

other kinds of personal property had been considered subject to a direct tax?

I do not say they could have prevented it, because then, as afterwards, they were in a minority, but I do say that if the southern statesmen of that generation—and they embraced men of the highest character and the greatest ability—had supposed that all kinds of personal property were subject to that direct tax, is it to be supposed that they would have occupied their seats without a protest and allowed the personal property of their people to be taxed when no tax was levied upon the personal property of their compatriots in other sections of the Union?

Mr. SUTHERLAND. They may have considered it a capitation tax.

Mr. BAILEY. That could not have been the reason, because if it had been laid as a capitation tax Congress would have been compelled to lay it in Rhode Island and Massachusetts, the same as in Mississippi, for you must apportion a capitation tax according to the census, precisely as you must apportion any other direct tax. So that explanation does not explain.

The only conceivable explanation is that the men who occupied seats in Congress at that day believed then, as I believe now, that the only direct tax was on real property or per capita, and the reason they levied a tax on the slave was that they treated him as real property under the law of almost every State where slavery existed.

With this unbroken line of decisions, Mr. President; with this unanimous opinion in every case up to the very last, is it asking too much of the American Congress to demand, on behalf of the American people, that this matter be resubmitted to the Supreme Court? It was decided by a vote 5 to 4; and I can say, without intending any invidious comparison, that however great the men who constituted the majority were, they did not outweigh in brain and character the men who made up the minority. With the scales of justice so evenly trembling in the balance, is it too much to ask that there shall be a reconsideration? The lawyers who protested against the tax and represented private greed exercised the right of petitioning that great court for a rehearing of the case. They obtained it, and on that rehearing one justice changed his mind and gave the court's decision against the people. I do not say this to impeach the integrity of that judge, or to bring reproach upon the court; I state as a reason for my hope that on the next rehearing several upright judges may change their minds, and that the next time the change will be in behalf of justice toward all the people and not to help the greedy rich escape the law's just tribute.

Mr. President, I thank the Senate for its long and patient attention; and I am done.

Mr. ALDRICH. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 43 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, April 28, 1909, at 12 o'clock meridian.

## SENATE.

WEDNESDAY, April 28, 1909.

Prayer by Rev. Ulysses G. B. Pierce, of the city of Washington. The Journal of yesterday's proceedings was read and approved.

### PETITIONS AND MEMORIALS.

Mr. NELSON presented memorials of sundry retail jewelers of St. Paul, Duluth, and Minneapolis, all in the State of Minnesota, remonstrating against an increase of the duty on imported watches, which were ordered to lie on the table.

He also presented sundry affidavits to accompany the bill (S. 1479) granting an increase of pension to Elizabeth Streit, which were referred to the Committee on Pensions.

Mr. CULLOM presented petitions of sundry tanners, jobbers, manufacturers, and dealers in leather goods, of Chicago, Ill., praying for the repeal of the duty on hides, which were ordered to lie on the table.

Mr. LA FOLLETTE presented a petition of Local Union No. 23, International Typographical Union, of Milwaukee, Wis., praying for a reduction of the duty on print paper and wood pulp, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Milwaukee, Cudahy, Trade Lake, and St. Francis, all in the State of Wisconsin, praying for the repeal of the duty on hides, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Milwaukee, Wis., praying for the removal of the duty on hides, which was ordered to lie on the table.

Mr. BROWN presented petitions of sundry citizens of Spalding, Lebanon, and Waco, all in the State of Nebraska, praying

for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

He also presented sundry affidavits to accompany the bill (S. 989) granting a pension to Nellie A. Getchell, which were referred to the Committee on Pensions.

He also presented an affidavit to accompany the bill (S. 551) granting an increase of pension to Asa J. Clothier, which was referred to the Committee on Pensions.

Mr. DICK presented petitions of the Business Men's Association of Barberton; of the Chamber of Commerce of Akron, Ohio; and of the National Grange, Patrons of Husbandry, of Concord, N. H., praying that an appropriation be made for the improvement of the public highways of the country, which were referred to the Committee on Agriculture and Forestry.

He also presented the petition of George E. Hibbard, of Chicago, Ill., praying for the enactment of legislation to provide for the temporary government of the Isle of Pines, Cuba, which was referred to the Committee on Foreign Relations.

He also presented petitions of Local Lodges Nos. 668, 441, 1013, 1114, 730, 177, 68, 94, 376, 285, 477, 833, and 147, of Xenia, Massillon, Bellevue, Zanesville, Norwalk, Ironton, Canton, Tiffin, Barberton, Coshocton, Sandusky, Marietta, Troy, and Defiance, all of the Benevolent and Protective Order of Elks in the State of Ohio, praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which were referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of the Board of Trade of Niles, Ohio, and a petition of the Board of Trade of Middleport, Ohio, praying that an appropriation be made for the improvement of the national waterways of the country, which were referred to the Committee on Commerce.

He also presented petitions of the American Ceramic Society, of Columbus, Ohio, praying that an increased appropriation be made for the technological branch of the United States Geological Survey, at Pittsburg, Pa., for the purpose of testing the clay industry, which were referred to the Committee on Appropriations.

He also presented a petition of the Council of Jewish Women, of Cincinnati, Ohio, praying for the passage of the so-called "children's bureau bill," which was referred to the Committee on Education and Labor.

He also presented a memorial of the Cooperative Trades and Labor Council, of Hamilton, Ohio, remonstrating against the decision of the Supreme Court of the District of Columbia in imposing a jail sentence on Messrs. Gompers, Mitchell, and Morrison, which was referred to the Committee on the Judiciary.

He also presented a petition of the Society of Architects, of Columbus, Ohio, praying that the Lincoln Monument be erected on the site near the Union Station, Washington, D. C., as recommended by the Park Commission, which was referred to the Committee on the Library.

He also presented a memorial of sundry employees of the tin-plate mills of Martins Ferry, Ohio, remonstrating against the drawback feature contained in the so-called "Payne tariff bill" relative to tin plates, which was ordered to lie on the table.

He also presented petitions of sundry lithographers of the United States, praying for an increase of the duty on lithographic products, which were ordered to lie on the table.

He also presented a petition of sundry employees of the Novelty Cutlery Company, of Canton, Ohio, praying for the retention of the proposed duty on imported knives or erasers, which was ordered to lie on the table.

He also presented a petition of Local Union No. 601, of Coshocton, Ohio, and a petition of Local Union No. 364, of Warren, Ohio, International Typographical Union, praying for a reduction of the duty on wood pulp and print paper, which were ordered to lie on the table.

He also presented a petition of sundry employees of the Williams Shoe Company, of Cincinnati, Ohio, praying for the repeal of the duty on hides, which was ordered to lie on the table.

He also presented memorials of sundry importers of millinery and straw goods of Cleveland, Cincinnati, and Columbus, all in the State of Ohio, remonstrating against the repeal of the duty on millinery, which were ordered to lie on the table.

He also presented a memorial of sundry iron and steel roofing workers of Youngstown, Ohio, and a petition of the Iron and Steel Roofing Company of Youngstown, Ohio, remonstrating against a reduction of the duty on sheet iron and steel, which were ordered to lie on the table.

He also presented a memorial of sundry citizens of Defiance County, Ohio, remonstrating against the imposition of a duty on essential oils, drugs, etc., which was ordered to lie on the table.

He also presented petitions of sundry shoe and harness dealers of Piqua, Ohio, praying for the repeal of the duty on hides, which were ordered to lie on the table.

He also presented a memorial of sundry importers and jobbers of tea of Boston, Mass., remonstrating against the imposition of a duty on tea, which was ordered to lie on the table.

He also presented a joint memorial of the legislature of Wyoming, which was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

House joint memorial 3, relating to homestead laws.

Memorial to the Senate and House of Representatives of the United States.

*Be it resolved by the house of representatives of the legislature of Wyoming (the senate concurring):*

Whereas it has been demonstrated that the homestead act providing for the entry and settlement of 160 acres of public land by a qualified entryman does not cover the needs and reach all the conditions in the arid and semiarid sections of the West, owing to soil and climatic circumstances not considered when the homestead law was passed:

Whereas in the higher altitudes of the Rocky Mountain West the moisture rarely exceeds 12 inches, the seasons are short and the precipitation variable in quantity and uncertain during the growing season:

Whereas these facts render it necessary to conserve according to the most scientific methods all the moisture that falls in winter, spring, and summer, thus requiring that at least one-half of the tillable area lie fallow each alternate season; and

Whereas the farmer who undertakes to establish a home and make a living for himself and family in a region in which the greatest natural obstacles must be overcome, can not with safety depend alone on his crops, but must have some grazing land: Now, therefore, be it

*Resolved*, That the house and senate of the Wyoming legislature, by joint memorial, do hereby indorse and approve the 320-acre homestead bill of Hon. FRANK W. MONDELL, and urge the honorable Congress of the United States to enact the same into law at its present session.

*Resolved*, That a copy of this memorial be sent to each Member of the Senate and House of Representatives at Washington, D. C.

Approved February 17, 1909.

THE STATE OF WYOMING,  
OFFICE OF THE SECRETARY OF STATE.

UNITED STATES OF AMERICA, State of Wyoming, ss:

I Wm. R. Schnitzer, secretary of state of the State of Wyoming, do hereby certify that the annexed has been carefully compared with the original enrolled house joint memorial No. 3, and is a full, true, and correct copy of same, and of the whole thereof.

In testimony whereof, I have hereunto set my hand and affixed the great seal of the State of Wyoming.

Done at Cheyenne, the capital, this 18th day of February, A. D. 1909.  
[SEAL.] Wm. R. SCHNITZER,  
Secretary of State.

Mr. DICK presented a joint resolution of the legislature of Wyoming, which was referred to the Committee on the Conservation of the National Resources, and ordered to be printed in the RECORD, as follows:

House joint resolution 4, relating to creating forest reserves.

*Be it resolved by the house of representatives (the senate concurring):*

Whereas the people of the State of Wyoming are oppressed by the present policy of the National Government in withdrawing large areas of the State from the operation of laws enacted by Congress, thus adding to the expense of maintaining law and order and protecting life and property; and

Whereas the creation of large forest reserves has taken from the State areas which contain many other natural resources aside from timber which must be properly utilized if the State is to develop and become a prosperous Commonwealth among those of the Union; and

Whereas our people are living under a code of rules and regulations prescribed by the Forest Service rather than under acts of Congress; and

Whereas development is greatly retarded because those responsible for such rules and regulations are unacquainted with conditions; and

Whereas the Forest Service and other bureaus at Washington maintain at government expense advertising agencies which mislead the people as to the purpose and work of such bureaus; and

Whereas the people of the State of Wyoming are fully aware that the best and highest use of natural resources is not being made under the supervision of these bureaus and that great waste now occurs which might easily be prevented by a more localized control: Therefore be it

*Resolved by the senate and house of representatives of the State of Wyoming in legislature assembled*, That Congress be, and it is hereby, petitioned to enact such laws as may be necessary for the control of natural resources, and to provide an administration of these laws, in order that direct acts of Congress may operate rather than rules and regulations prepared and enforced by an absent landlord; and be it further

*Resolved*, That Congress be petitioned to take such steps as will place the control and management of natural resources in the hands of the people of States as rapidly as those States prepare for the responsibility; and be it further

*Resolved*, That a copy of these resolutions be sent to each Member of Congress and to the chief administrative officers of the Interior and Agricultural departments.

Approved February 17, 1909.

THE STATE OF WYOMING,  
OFFICE OF THE SECRETARY OF STATE.

UNITED STATES OF AMERICA, State of Wyoming, ss:

I, William R. Schnitzer, secretary of state of the State of Wyoming, do hereby certify that the annexed has been carefully compared with the original enrolled house joint resolution No. 4, of the tenth state legislature of Wyoming, and is a full, true, and correct copy of same, and of the whole thereof.

In testimony whereof, I have hereunto set my hand and affixed the great seal of the State of Wyoming.

Done at Cheyenne, the capital, this 18th day of February, A. D. 1909.  
[SEAL.] Wm. R. SCHNITZER,  
Secretary of State.

Mr. WETMORE presented a petition of the Medical Society of Newport, R. I., praying for the enactment of legislation to create a national department of public health, which was referred to the Committee on Public Health and National Quarantine.

He also presented a petition of the Rhode Island Horticultural Society, praying for the enactment of legislation to establish a quarantine against the importation and interstate traffic in infected honey and bees, which was referred to the Committee on Agriculture and Forestry.

Mr. BRANDEGEE presented a petition of sundry employees of the Humason & Beckley Manufacturing Company, of New Britain, Conn., praying for the retention of the proposed duty on imported knives or erasers, which was ordered to lie on the table.

Mr. PAGE presented a petition of sundry citizens of Plymouth, Vt., and a petition of sundry citizens of Waterville, Vt., praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. FLINT presented a memorial of sundry citizens of Los Alamitos, Cal., remonstrating against a reduction of the duty on sugar, which was ordered to lie on the table.

He also presented petitions of sundry citizens of Pasadena, San Francisco, Riverside, Los Angeles, and San Diego, all in the State of California, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. DEPEW presented petitions of sundry employees of the Case Brothers Cutlery Company, of Little Valley; of the New York Knife Company, of Walden; of the Carrier Cutlery Company, of Elmira; and of the Cattaraugus Cutlery Company, of Little Valley, all in the State of New York, praying for the retention of the proposed duty on imported knives or erasers, which were ordered to lie on the table.

He also presented a petition of sundry citizens of New York, praying for an increase of the duty on lithographic products, which was ordered to lie on the table.

He also presented a memorial of Local Union No. 106, Cigar Makers' International Union, of Ogdensburg, N. Y., remonstrating against the repeal of the duty on imported cigars, which was ordered to lie on the table.

He also presented petitions of sundry citizens of Batavia, West Winfield, and Bridgewater, all in the State of New York, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

He also presented a petition of sundry importers, manufacturers, and dealers in military supplies and equipment, of New York City, N. Y., praying for a reduction of the duty on military supplies and equipment, which was ordered to lie on the table.

He also presented a memorial of Local Union No. 89, Cigar Makers' International Union, of Schenectady, N. Y., remonstrating against the repeal of the duty on cigars imported from the Philippine Islands, which was ordered to lie on the table.

#### ALCOHOL AND OTHER NARCOTICS.

Mr. GALLINGER. I present certain papers read at the semi-annual meeting of the American Society for the Study of Alcohol and Other Narcotics, held in the city of Washington March 17, 18, and 19, 1909. I move that the papers be referred to the Committee on Printing.

The motion was agreed to.

#### BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. PENROSE:

A bill (S. 2015) to reimburse A. J. Cauffman, Girard, Erie County, Pa., in the sum of \$300, together with interest thereon from October 16, 1862, for soldier furnished United States, being the amount paid by him to one Charles Morton as a substitute; and

A bill (S. 2016) for the relief of the heirs of Michael Haak, deceased; to the Committee on Claims.

A bill (S. 2017) to grant an honorable discharge to George W. Hopkins; to the Committee on Military Affairs.

A bill (S. 2018) granting an increase of pension to William O'Brien;

A bill (S. 2019) granting an increase of pension to Theodore G. Stoner;

A bill (S. 2020) granting an increase of pension to Henry Wren;

A bill (S. 2021) granting an increase of pension to John M. Rhoads;

A bill (S. 2022) granting an increase of pension to Elizabeth S. Reess;

A bill (S. 2023) granting a pension to Louisa W. Benade;



A bill (S. 2024) granting a pension to Eliza A. Miller Bradley;

A bill (S. 2025) granting an increase of pension to Frank E. Bickford;

A bill (S. 2026) granting an increase of pension to Gertrude Smith; and

A bill (S. 2027) granting a pension to John L. Penwell; to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 2028) to create in the War and Navy departments, respectively, a roll to be known as the "civil-war officers' annuity honor roll," and for other purposes; to the Committee on Military Affairs.

By Mr. OWEN:

A bill (S. 2029) for the relief of the Absentee Shawnee Indians in the State of Oklahoma, and for other purposes; to the Committee on Indian Affairs.

By Mr. BURROWS:

A bill (S. 2030) granting an increase of pension to Lewis B. Moon (with the accompanying paper); to the Committee on Pensions.

By Mr. CULBERSON (by request):

A bill (S. 2031) for the relief of the heirs of Francisco Guilbeau, deceased (with the accompanying paper); to the Committee on Claims.

By Mr. BEVERIDGE:

A bill (S. 2032) to amend an act entitled "An act granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment," approved May 30, 1908; to the Committee on Education and Labor.

By Mr. WARREN:

A bill (S. 2033) for the exchange of certain lands situated in the Fort D. A. Russell Military Reservation, in the State of Wyoming, for lands adjacent thereto, between the city of Cheyenne, a municipality organized and existing under the laws of the State of Wyoming, in the State of Wyoming, and the Government of the United States; to the Committee on Military Affairs.

A joint resolution (S. J. R. 26) to establish in the State of Wyoming a winter game reserve (with the accompanying paper); to the Committee on Forest Reservations and the Protection of Game.

#### AMENDMENT TO THE TARIFF BILL.

Mr. PAYNTER submitted an amendment intended to be proposed by him to the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, which was ordered to lie on the table and be printed.

#### INCOMES AND INHERITANCES.

The VICE-PRESIDENT. The morning business is concluded. Mr. BROWN rose.

Mr. ALDRICH. I ask that House bill 1438 be laid before the Senate.

The VICE-PRESIDENT. Without objection, the bill will be laid before the Senate.

Mr. ALDRICH. I am told by the Senator from Nebraska [Mr. BROWN] that he would like to have the joint resolution which he introduced yesterday laid before the Senate as a part of the morning business, and I am quite willing that that shall be done.

The VICE-PRESIDENT. The Secretary will read the joint resolution.

The Secretary read the joint resolution introduced yesterday by Mr. BROWN, as follows:

A joint resolution (S. J. R. 25) to amend the Constitution relative to incomes and inheritances.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following section be submitted to the legislatures of the several States, which, when ratified by the legislatures of three-fourths of the States, shall be valid and binding as a part of the Constitution of the United States:*

"The Congress shall have power to lay and collect taxes on incomes and inheritances."

Mr. BROWN. Mr. President, I have no intention at this time to detain the Senate with a discussion on the merits of the several income-tax amendments pending before this body. It is sufficient for the purpose that I have in mind this morning to say on that subject that I am in full accord with the proposition of laying some of the burdens of taxation upon the incomes of the country; but I rise this morning for the purpose of challenging the attention of the Senate to the fact that the Constitution of our country stands to-day in need of an amendment upon this subject if we are to have an income-tax law at all about the validity of which there can be no question.

Mr. President, the history of the income-tax proposition in the United States, both as written by the economists of the country and as written and discussed by the framers of the Constitution and as interpreted by the courts of the country, has been given to the Senate during this discussion in the last two days. It occurs to me that my distinguished friend from Texas [Mr. BAILEY] undertook to keep faith with the Senators when he told us that he intended to demonstrate that under the Constitution as it stands to-day an income-tax law ought to be sustained. In other words, he undertook to demonstrate that the decision of the courts of the country as last pronounced was wrong. I want to suggest to the Senate this afternoon just briefly that if we take everything as true as stated by the Senator from Texas, and if we accept his conclusion as absolutely right, that the decision of the court in the Pollock case was wrong, I ask you, Senators, of what avail that would be to the country or with what satisfaction could it be received? Suppose it be true that we are convinced as Senators that the decision of the court was a mistake, does it help us? Does it help to place the burdens of taxation upon those who are earning the large incomes of the country?

Mr. President, we may have the satisfaction this hour of knowing that the opinion of the court, in our own minds, was not only not sustained by the law for a century, but was contrary to the law for a century. However, I call the attention of Senators to the fact that though we may be satisfied as to what the law is we are not on the bench of this country. We do not have the right to enter a judgment. We have no power to pronounce a decree. We have no power to write our opinions in the court records of the country, which may become a basis for any execution to enforce them.

But let us go a step further. Suppose we are not only convinced that the court made a mistake on its last decision, but we are so fully convinced of that fact that we undertake and succeed here at this extraordinary session of Congress to amend this proposed law by attaching an income-tax amendment, what have we accomplished? We have carried out our judgment and written into the statute our judgment, but when the law is passed and reaches the White House and is signed by the President, it yet must come to the door of that court which very recently vetoed legislation of that character. Let it be remembered, Senators, that when a veto comes from the White House we have the power, constitutionally, if we have the votes, to override it, but when a veto comes from the court, that veto overrides us—it is final.

We then have given again to the court an opportunity to adhere to its last opinion, declaring us without power to pass such a law or to declare the reverse. I want to inquire if there is a Senator in this Chamber who is willing to stand up and tell us that he has any reason to suppose that the court has changed its mind on the law of this question. I have always been taught the good old doctrine that when the courts have spoken it is the law of the land. I have always believed in that precept which the fathers had in their hearts when they wrote the Constitution, that the legislative branch of Government was vested with the power to write laws, and that another branch of Government, the courts of the country, were vested with the power to interpret them and the Constitution upon which they were based.

But suppose, Mr. President, that not only we pass the law and it is signed by the President, but it reaches the court of last resort and we get an opinion the reverse of the last one. The law is sustained. Those of us who believe in the principle of levying taxes on incomes are satisfied, are we? The country that to-day believes in the principle of taxing incomes will be satisfied, will it? Yes, Mr. President and Senators, it will for the time being; but tell me how long will that decision stand? Our courts have demonstrated a faculty to change their opinions on this question, for they have decided it at different times different ways, and while we might hope and believe that that decision would be permanent, no man can justify a conclusion with any certainty that it would be permanent.

It is for that reason, Senators, that I present to you to-day the imperative and commanding necessity for an amendment to the Constitution which will give the court a Constitution that can not be interpreted two ways. I undertake to say that the people of the United States have a right to have an opportunity to amend the Constitution and to make it so definite and so certain that no question can ever be raised again of the power of Congress to legislate on the subject.

Mr. RAYNER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from Maryland?

Mr. BROWN. Certainly.

Mr. RAYNER. In looking at the joint resolution I see that it reads "The Congress shall have power to lay and collect taxes

on incomes." It has that power now. Congress has the power now to lay and collect taxes on incomes and on inheritances.

I will just call the Senator's attention to the fact that unless you change the clause of the Constitution which provides for apportionment the joint resolution would not repeal that clause. The two clauses would stand in *pari materia* together and you would still have an apportionment.

The resolution proposes to say that Congress shall have power to lay and collect taxes on incomes and inheritances. The Supreme Court has held in *Noble v. Moore* that we have the right to tax inheritances. I merely take the liberty of calling the Senator's attention to the fact that if this amendment to the Constitution were to go through, it would not affect the prior article and there would still have to be an apportionment.

Mr. BROWN. I am very glad to have the Senator shed light on this subject. I had never become so beside myself that I dreamed that my resolution in all particulars would satisfy the critical judgment of the Senator from Maryland. I want to say to the Senator that I am aware that under the law and the Constitution now Congress has the power to tax incomes, and if he had been able to possess his soul in patience long enough he would have found out that, in my judgment, when Congress was granted that power, limited, however, to apportionment according to population, it in effect denied the right of Congress to levy taxes on incomes.

On that branch of the subject I expect to be heard briefly in a moment.

Mr. President, if there can be any doubt about the language of the proposed resolution carrying into effect the purpose of it, I think the Committee on the Judiciary, to which it must go, and of which the distinguished Senator from Maryland is a member, will be able to clarify the literature of the resolution.

Now, then, to follow out my suggestion, I want to appeal first to those of us who believe in passing a law which shall reach the luxurious incomes of this country and ask them to help pass this resolution that the Constitution may have in it a section that can not be misunderstood. When we have an income-tax law passed, we want the law to be enforceable and to be operative.

Mr. PAYNTER. Mr. President—

The VICE-PRESIDENT. Will the Senator from Nebraska yield to the Senator from Kentucky?

Mr. BROWN. Certainly.

Mr. PAYNTER. In order to give the Senator some hope that the courts will always be glad to correct an error, I will ask his permission to allow me to give an instance in which the court did do it.

Mr. BROWN. With pleasure.

Mr. PAYNTER. I was a member of the Kentucky court of appeals when the question arose as to whether the banks of Kentucky had an irrevocable contract with the State with reference to taxation. The banks claimed that they were permitted, under a contract which they alleged they had with the State, to pay a certain sum in lieu of all state, county, and municipal taxes, the effect of which was to deprive the counties and the municipalities of Kentucky of a large sum of money each year.

That court, in June, 1895, decided that the banks had that contract. In March, 1897, that court with a great deal of pleasure took back the previous opinion and held that the banks did not have an irrevocable contract. A dissenting opinion delivered in its first case was made the opinion of the court in the last named. I know of another instance in that same court where the same thing occurred. I mention it here to give the Senator hope that the Supreme Court of the United States may on this question as in other cases—including income-tax cases—change its opinion upon important questions.

Mr. BROWN. I want to say to the Senator that I am in full accord with the proposition to give the court an opportunity to correct the last judgment. I am so strongly in favor of the proposition to tax incomes that it is immaterial to me which one of the several measures now pending meets the approval of this Congress. I have my preference among those measures, but I would rather see any one of them become a law than to see them all defeated. I am anxious and willing that the court shall have an opportunity to pass again upon this proposition. But, Mr. President, the people of this country are entitled to something more than an opportunity.

They are entitled to have a Constitution, if they see fit to adopt it, as to which, when the opportunity does come to the court to pass again on this question, there will be no doubt about what the decision will be. Nothing has been illustrated more in the last two days than the examples given by my friend from Kentucky.

Mr. PAYNTER. If the Senator will allow me, I will also add to what I said, that the Supreme Court sustained the second opinion of the court of appeals, and the second opinion was simply the dissenting opinion that was delivered in the previous case.

Mr. BROWN. It illustrates that courts as well as men change their minds. It recalls the history that we heard yesterday and the day before as to Madison, one of the framers of the Constitution, one of the men who helped to write into the Constitution this very provision under which the court first held that Congress could pass an income-tax law, and later, in the *Pollock* case, held that it could not. Madison, one of the framers of that provision, took the stand as an American citizen when the case was before the court that it did not confer upon Congress this power, and yet afterwards, when Madison became President, he not only changed his opinion upon the subject as a man and a citizen, but as a President of this country signed a bill embodying that very principle. Courts change their minds, like men, and they have a right to do it. But when the people of this country find that courts are changing their minds on a subject in which they are interested and which they want to have settled, then I contend that it is the duty of Congress to give them an opportunity to settle it themselves by amending the Constitution.

Now, then, I want to speak one moment to those Members of this body who are opposed to any income tax at all. I want to appeal to them, standing as they do to-day ready to vote against the proposition to levy and collect taxes on incomes, that they join the friends of this measure in an effort to amend the Constitution so that if the Nation ever does require in their judgment an exercise of the power of collecting taxes from incomes, we may be permitted to do it. There is not an enemy of the income-tax law proposition on this floor who will tell the Senate that the time will never come when he would be in favor of collecting taxes upon those who earn incomes.

Let me emphasize the effect of the decision of the court in the *Pollock* case. Unless it is remedied by a reversal of that decision or by an amendment to the Constitution, it leaves this Republic in a position far below that of any other enlightened nation on the face of the earth.

Let me just call your attention briefly, Senators, to the words of Justice Harlan upon the effect of conceding Congress to be without power to levy a tax upon incomes. I wish to say, in passing, that I am willing to concede there are men on the floor of the Senate able to make most exhaustive and convincing and persuasive arguments showing that the decision of the court in the *Pollock* case was wrong. But I want also to stand on the proposition that no man upon this floor or elsewhere will ever be able to present an argument to that end as clear and as strong as was presented to that court by Justice Harlan in his dissenting opinion. Now, as to the effect, I want to read the words of Justice Harlan:

In my judgment, to say nothing of the disregard of the former adjudications of this court and of the settled practice of the Government, this decision may well excite the gravest apprehensions. It strikes at the very foundations of national authority, in that it denies to the General Government a power which is or may become vital to the very existence—

Mark you—

and preservation of the Union in a national emergency.

Senators, we had a national emergency in this country once. I want to call the attention of the country and of Senators to the fact that it was the tax upon incomes that equipped and helped to maintain the men engaged in that controversy. Justice Harlan may have been moved to these words by the fact that he had seen service in that crisis.

It tends to reestablish that condition of helplessness in which Congress found itself during the period of the Articles of Confederation, when it was without authority by laws operating directly upon individuals, to lay and collect, through its own agents, taxes sufficient to pay the debts and defray the expenses of government, but was dependent, in all such matters, upon the good will of the States and their promptness in meeting requisitions made upon them by Congress.

Why—

Says the justice—

do I say that the decision just rendered impairs or menaces the national authority? The reason is so apparent that it need only be stated. In its practical operation this decision withdraws from national taxation not only all incomes derived from real estate, but tangible personal property, "invested personal property, bonds, stocks, investments of all kinds," and the income that may be derived from such property. This results from the fact that by the decision of the court all such personal property and all incomes from real estate and personal property are placed beyond national taxation otherwise than by apportionment among the States on the basis simply of population. No such apportionment can possibly be made without doing gross injustice to the many for the benefit of the favored few in particular States. Any attempt upon the part of Congress to apportion among the States, upon



the basis simply of their population, taxation of personal property or of incomes would tend to arouse such indignation among the freemen of America that it would never be repeated.

Now, listen to the justice—

When, therefore, this court adjudges, as it does now adjudge, that Congress can not impose a duty or tax upon personal property, or upon incomes arising either from rents of real estate or from personal property, including invested personal property, bonds, stocks, and investments of all kinds, except by apportioning the sum to be so raised among the States according to population, it practically decides that, without an amendment of the Constitution—two-thirds of both Houses of Congress and three-fourths of the States concurring—such property and incomes can never be made to contribute to the support of the National Government.

This is the trouble that confronts the Nation. Unless we have a Constitution about which courts will not disagree, giving Congress the power to pass this legislation which we favor, Congress is without power to levy the taxes on this vast volume of property, even though Congress might desire to pass such a law.

Mr. President, it ought to make the blood run to our faces when we stop to think that there is not another enlightened nation on the face of the earth that does not have and exercise the power to levy taxes on this kind of property except ourselves. What is there about this Republic that it should not be clothed with all the rights and powers and prerogatives enjoyed by every other sovereign nation on the face of the earth?

Mr. President, I come now for a moment to the proposition raised by the Senator from Maryland. Upon that question I simply want to demonstrate to him, as well as to the Senate, that as construed now the power of Congress to levy taxes on incomes by apportioning them according to population amounts practically to a denial of the power of Congress to levy such taxes. In the dissenting opinion of Mr. Justice Brown this was shown conclusively. Similar illustrations were made in the arguments to the court. There was shown mathematically the practical impossibility, tested by any measure of approximate justice, to apportion those taxes, and this illustration of the learned justice has never been impeached by word or intimation by anybody disagreeing with him in his general conclusions. On page 608, the justice makes an application of the law according to population. He says:

By the census of 1890, the population of the United States was 62,622,250. Suppose Congress desired to raise by an income tax the same number of dollars, or the equivalent of \$1 from each inhabitant. Under this system of apportionment, Massachusetts would pay \$2,238,943. South Carolina would pay \$1,151,149. Massachusetts has, however, \$2,803,645,447 of property, with which to pay it, or \$1,252 per capita, while South Carolina has but \$400,911,303 of property, or \$348 to each inhabitant. Assuming that the same amount of property in each State represents a corresponding amount of income, each inhabitant of South Carolina would pay in proportion to his means three and one-half times as much as each inhabitant of Massachusetts. By the same course of reasoning, Mississippi, with a valuation of \$352 per capita, would pay four times as much as Rhode Island, with a valuation of \$1,459 per capita. North Carolina, with a valuation of \$361 per capita, would pay about four times as much, in proportion to her means, as New York, with a valuation of \$1,430 per capita; while Maine, with a per capita valuation of \$740, would pay about twice as much. Alabama, with a valuation of \$412, would pay nearly three times as much as Pennsylvania, with a valuation of \$1,177 per capita. In fact, there are scarcely two States that would pay the same amount in proportion to their ability to pay.

Mr. President, no man in this Chamber need have any doubt about how the apportionment proposition would work. All we need to do to be satisfied is to recall what would happen in our own States if the tax were to be distributed between the counties according to population or between the wards of the cities according to population. It is the theory of the friends of the income-tax proposition that property should be taxed and not individuals. I do not believe the fathers ever contemplated that income taxes must be apportioned according to population, but the courts have said that they did. I am here to-day presenting an amendment to the Constitution which will compel the courts to announce the contrary doctrine.

Mr. President, I ask to have the joint resolution referred to the Committee on the Judiciary.

The VICE-PRESIDENT. The joint resolution will be so referred.

#### THE TARIFF.

The VICE-PRESIDENT. The morning business is closed, and the Senator from Rhode Island has asked that House bill 1438 be laid before the Senate.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes.

Mr. SIMMONS. Mr. President, in the remarks which I desire to submit to the Senate to-day I shall confine myself almost entirely to a discussion of the schedule with reference to woods and the manufactures of woods, especially lumber. I shall address myself particularly to the two amendments, one offered

by the Senator from North Dakota [Mr. McCUMBER], proposing to put lumber upon the free list, and one by the Senator from Washington [Mr. PILES], proposing to raise the duty specified in the bill to \$2, the rate prescribed in the present law.

Mr. President, I am reminded by the Senator from Maryland [Mr. SMITH] who sits at my side that the Senator from West Virginia [Mr. ELKINS] has introduced an amendment similar to that introduced by the Senator from Washington.

The bill under consideration reduces the duty upon rough lumber—that is, sawed board—from \$2 to \$1 per thousand feet. The equivalent ad valorem rates are, respectively, about 11 per cent and 5½ per cent.

I am opposed to this reduction and in favor of retaining the present duty upon lumber, because the present rate is upon a revenue basis, and because the proposed reduction will probably not reduce the price of lumber to the farmer and the home builder, or, if at all, only slightly and in a comparatively limited area, while it would work great hardship to the lumber industry and the sections of the country in which this industry is conducted, by enlarging the market zone of Canada for this product.

Lumber, Mr. President, is one of the greatest industries in this country. With one exception, it is the greatest manufacturing industry in this country, iron and steel alone being greater. Lumber is the principal industry in 12 States of this Union. More than a thousand cities and towns of our country are directly dependent upon this industry for their prosperity.

The present law and the proposed bill catalogue all of the dutiable products of this country into 12 great schedules, and woods and manufactures of woods are at the bottom of those schedules with reference to the amount of duties imposed upon them. The duty imposed upon wood as a whole is 15 per cent ad valorem; that imposed upon lumber, as distinguished from woods in general, is about 4 per cent less, or 11 per cent.

The other duties comprised in these great schedules run all the way from 20 per cent ad valorem to 87 per cent. Under the present law, the average ad valorem upon all the dutiable products of the country is about 44.16 per cent, while that upon lumber is about 11 per cent, or only about one-fourth the average. In the proposed bill the average ad valorem upon all of the dutiable products of the country is substantially unchanged. It is about 44 per cent, while the ad valorem proposed upon lumber is only about 5½ per cent, or a little less than one-seventh of the general average.

Mr. President, in considering the question of the removal, or the reduction of the duty on lumber, two things ought to be taken into consideration:

First, the fact that labor constitutes a larger element in the cost of producing lumber than of any other manufactured product. The raw material of lumber is the tree standing in the forest. As it stands there, where God planted it, it is worth probably less than \$3 a thousand feet. When it has been converted into boards, there has been expended upon it eight or ten dollars; and nearly every item in this "bill of cost," so to speak, is represented either by labor or by labor's products. At least 75 per cent of the cost of lumber—I mean at the mill, before the element of transportation has entered into it, before it has started upon its mission of distribution—75 per cent of the cost of lumber is labor.

Another essential element that must be taken into consideration in reaching a just conclusion on this subject is the fact that almost, if not every, item in this "bill of cost" is protected under the present law, and will be protected under the proposed law, by a high rate of duty. Labor, which constitutes such a large part of the cost of production, is professedly protected by all of the schedules of the present and the proposed tariff acts. The ax and the saw which fell the tree in the forest, the log carriage that hauls the tree to the station, the locomotive, and the steel rails over which the locomotive runs in transporting it to the sawmill, the machinery, and even the belts that connect the machinery and put it in motion are protected under the present law and in this bill at an ad valorem rate ranging from 30 to 40 per cent.

By reason of these tariff duties upon the things which enter into the cost of its manufacture the cost of the production of lumber in this country is increased over 30 per cent. Not only is nearly everything that enters into the cost of manufacturing lumber protected by this high duty of over 30 per cent, but lumber itself is a competitor of some of the chief articles which add to the cost of its production. Iron, steel, and cement, all entering into the cost of manufacturing lumber, in the form of machinery and structural material, are among the chief competitors of lumber in the construction of homes and houses and for many other purposes for which both are used.

Mr. President, I submit that there can be no more cruel repression of an industry than by adding 30 per cent to the cost of its product by your tariff laws, while it is exposed to competition, on the one hand, with a foreign product which, on account of the difference in the labor, stumpage, and transportation cost, can be produced at 30 per cent less than it can and while, on the other hand, it must compete with products of our own country the price of which has been advanced 30 per cent by your tariff laws.

It is obvious if under these circumstances lumber is placed on the free list, that a double handicap will be imposed upon it.

Mr. DIXON. Mr. President—

The VICE-PRESIDENT. Does the Senator from North Carolina yield to the Senator from Montana?

Mr. SIMMONS. Certainly.

Mr. DIXON. I am very largely in sympathy with what the Senator from North Carolina is now saying regarding the equity of a duty on wood and lumber products, but I want to inquire at this time how he squares his advocacy of a tariff on lumber with the declaration of the Democratic national platform adopted at Denver a year ago, when that platform declared:

We demand the immediate repeal of the tariff on wood pulp, print paper, lumber, timber, and logs, and that these articles be placed upon the free list.

Understand, I am in sympathy with what the Senator is now saying.

Mr. SIMMONS. Yes; I understand that. Mr. President, the Senator's question does not embarrass me. The Senator has simply read one of the declarations of the Democratic platform. There were other declarations. That was a specific declaration; but there was a general declaration in favor of a reduction of import duties upon all articles, with the ultimate end of placing the whole system of tariff taxation in this country upon a revenue basis; and this specific declaration must, of course, be taken in connection with the general declaration and interpreted as a part of the whole. That platform declared if the Democrats were given power they would so revise the tariff as to put the whole system upon a revenue basis. The declaration with reference to lumber must be construed in connection with this general purpose in regard to the tariff. If we had been successful, we would, I assume, have revised the tariff along the lines indicated. Iron and steel and such other structural materials as either directly or indirectly compete with lumber or enter as an element in its cost of manufacture would have been put upon the free list, or the duty on them have been reduced to a revenue basis. As it is impossible for us to carry out our general declaration, the conditions upon which our declaration with regard to lumber was predicated do not exist.

The proposed tariff bill, like the McKinley and Dingley tariffs, is a highly protective measure. Did the Democrats mean to promise free lumber without regard to the character of the general measure of which it was to be a part, or without regard to the discrimination that would necessarily result if that measure covered with highly protective or prohibitory duties other articles in the same general classification? I think not. To give the declaration in question that construction would be holding to the letter of that promise while disregarding its spirit. At least that is my view of the matter, and upon that interpretation and construction I am willing to stand. If I am satisfied, why should the Senator from Montana object to it, as he says he is in sympathy with my position as to lumber?

If the Senator from Montana will consent to put in operation that general declaration of the Democratic platform in favor of a revenue tariff, if he will consent to take off all of the prohibitory and protective elements of the rates prescribed in the bill which has been presented here and reduce those rates to a revenue basis from beginning to end, then he may put lumber and hides and coal and iron ore on the free list if he desires to do so.

Mr. President, returning to my argument at the point where I was interrupted by the Senator from Montana, let me ask, Why single out for discrimination this great industry, an industry which to-day is giving employment to between seven and eight hundred thousand men—not men, women, and children, but men—which to-day is feeding and clothing between three and four millions of laboring people; an industry the output of which is about equal to that of cotton; an industry the output of which is nearly \$100,000,000 more than that of our wheat crop; an industry which furnishes a larger volume of the tonnage of transportation than any other, with the possible exception of one, and is of all our industries the largest consumer of farm products; which is the principal industry of 12 States of this Union, and upon which more communities are dependent for the business prosperity they are now enjoying

than any other industry in our great country? I repeat, Why single out this great industry for discrimination and slaughter? Why place these high duties upon coal and iron and wool and leather, while placing lumber, the greatest product of the South and Pacific coast, upon the free list? Why place upon it these great burdens of the tariff while denying it any of its benefits?

Mr. President, this unfair and discriminatory treatment of this industry can not be justified, in my opinion, except upon grounds of extreme necessity or overwhelming urgency; and I think no such reasons exist. I have heard but three arguments, and I think but three general reasons can be assigned, in support of the proposition that the duty on lumber ought to be either reduced or removed. One of them is a political argument. It is used only by Democrats who are in favor of free trade in lumber. Their objection to the duty on lumber, either that in the present law or the small duty proposed in the pending bill, is that it is a protective duty. I want to examine and analyze that argument, because there are many Democrats who would not feel, whatever might be its effect upon an industry in their section, like supporting a proposition imposing a distinctively protective duty. I assert here—and I think, if my strength holds out and the patience of the Senate does not become exhausted, I can show—that the rate of duty which I am advocating is not in any sense a protective duty as contradistinguished from a revenue duty. On the contrary, Mr. President, I assert, and I think I can show, that the duty of \$2 imposed in the present law, which I am in favor of retaining, is not only a revenue duty, but that it is a better revenue-producing duty than the rate which it is proposed to substitute for it.

The McKinley law of 1890, as Senators will recall, imposed a duty of only \$1 upon lumber of hemlock and white pine. That is the kind of lumber that is imported into this country from Canada, and practically all the lumber that is imported into this country comes from Canada. There was imported into this country under the McKinley tariff of \$1, during the last three years of the operation of that law, from 1891 to 1893, inclusive, 1,341,000,000 feet of lumber. The law of 1897, the Dingley Act, as we all know, imposes a duty of \$2 upon lumber. The importation into this country under this tariff of \$2, from 1906 to 1908, inclusive, was 2,448,892,000 feet; in other words, there has been imported into this country under the \$2 rate of the Dingley law, in the last three years of its life, 1,000,000,000 feet more lumber than was imported during the last three years of the McKinley Act under the \$1 rate. So that the \$2 rate of the present law has proved twice as good, nay, more than twice as good, a revenue producer as the \$1 rate under the McKinley Act. The amount of revenue actually derived by the Government was nearly three times as much under the \$2 rate as under the \$1 rate. The \$2 rate is therefore a better revenue rate than the \$1 rate.

Mr. CLAPP. Mr. President—

The PRESIDING OFFICER (Mr. CARTER in the chair). Does the Senator from North Carolina yield to the Senator from Minnesota?

Mr. SIMMONS. Certainly.

Mr. CLAPP. While the argument just made of course applies to the volume of revenue, yet, as bearing upon the question of the necessity for protection, it might be important to know the relative increase, and I ask the Senator if he has at hand the increase in the home production during the same time, so that we may compare with that the increased importation?

Mr. SIMMONS. I have, unfortunately, not in my possession the figures as to the increase in the home production.

Mr. CLAPP. I did not know but that the Senator had the information convenient.

Mr. SIMMONS. But I will say to the Senator, that when the Dingley Act went into operation the annual imports of lumber into this country were only about 500,000,000 feet. Last year, under the operation of that law, there was imported about 900,000,000 feet, showing—and I am arguing the point as to its revenue-producing capacity—that the \$2 rate does not operate to check importations, but that importations under this very law have in seven years multiplied nearly 300 per cent.

Mr. SMITH of Maryland. Three hundred per cent in eight years.

Mr. SIMMONS. Yes, sir; 300 per cent in eight years, and that establishes the fact for which I am contending, namely, the present rate is a revenue and not a protective duty.

Mr. CLAPP. Mr. President, I understood the Senator to take the position that the present tariff was necessary as a protective measure, and that to reduce that tariff would be to imperil this industry.

Mr. SIMMONS. I did not say it was necessary as a protective measure.

Mr. CLAPP. Then I misunderstood the Senator.



Mr. SIMMONS. I did not say that; but I do say that the incidental protection which accrues to lumber as the result of this revenue duty has been very beneficial to it, and it would be very hurtful to remove from it that incidental protection. To protect lumber as this bill protects shoes and iron and steel, for instance, would require not a duty of two, but of four or five dollars per thousand feet.

Mr. President, right at this point I want to say there are two ways of raising revenue to defray the expenses of the Government by customs taxation. One of those methods is to impose duties upon articles not produced in this country. That is free trade. No protection would be afforded to any product of this country as the result of such a duty. The other method is by imposing duties upon the importation of articles produced in this country. Whether duties upon articles produced in this country are imposed primarily for protection or primarily for revenue, the effect in both cases is necessarily protective.

I am not in favor of free trade. I am not in favor of levying duties to raise revenue only upon articles not produced in this country, because that would expose the products and the industries of this country to unrestricted foreign competition, and, very frequently, ruinous foreign competition. I am not in favor of that. I am in favor, Mr. President, of raising the revenues necessary to support the Government by imposing duties upon articles produced in this country as well as upon those not produced here, and I am also in favor of so adjusting those duties as to afford the greatest incidental protection to those things which most need to be protected against unequal foreign competition, to the end that the industries and products of this country may be fostered and encouraged. That is my creed, and I think that is the creed of the Democratic party. If that is not what Jefferson and Madison and Monroe and Andrew Jackson stood for, then I have failed to understand their position upon this subject.

Mr. President, during the last hundred years we have had a great many different kinds of tariffs in this country. We have had Democratic tariffs, Whig tariffs, Republican tariffs, revenue tariffs, and protective tariffs. The duty imposed by these various tariff laws has varied; but during the last hundred years there has not been a year when the average ad valorem rate imposed upon all the dutiable products of this country was less than 18 per cent, or nearly twice the average rate imposed upon lumber in the present law, and nearly four times the rate it is proposed to impose upon lumber in the pending bill. During the eight years of Mr. Jefferson's administration I think the average ad valorem rate was about 22 per cent; during Madison's time it was about 30 per cent; during Monroe's time it was 37 per cent; and during Jackson's time it was between 37 and 43 per cent; under Cleveland, during the operation of the Wilson bill, between 35 and 40 per cent.

Does anybody contend that these Democratic tariff measures imposing duties from 22 per cent to 35 per cent were protective measures? Necessarily they afforded, when levied upon imports of articles produced in this country, a greater or less degree of protection, and I think no one will deny that in many instances they were adjusted to accomplish this end, but they were levied primarily for the purpose of raising revenue.

There has been no time during all these years when the incidental protection arising from these revenue duties did not afford the industries of this country more or less protection.

Of all these Democratic tariff laws the Walker tariff carried the lowest ad valorem rate. The average rate under that law was about 19 per cent. The bill carrying that rate was prepared by a committee of the House of Representatives of which a distinguished North Carolinian was the chairman—the Hon. J. J. McKay. One of the Democratic Senators from North Carolina—Senator Haywood—having been instructed to vote for that bill and not being willing to do so because it bore such a low rate, resigned his seat and retired from public life.

This bill, this Democratic bill, bearing the name of the greatest advocate of tariff for revenue known to our history, carried an average rate four times as great as it is proposed by this bill to place upon lumber.

More than that, Mr. President, the Walker tariff act, the most distinctly revenue-tariff act in our history, carrying a rate of duty so low that our opponents have characterized it as a free-trade measure, imposed a duty of 20 per cent ad valorem upon lumber, a little more than 1 per cent in excess of the average rate which it imposed upon all dutiable products, and about twice as much as I now advocate, and about four times as much as the pending measure provides for. And yet there are Democrats who claim that this small duty on lumber, about one-half the rate imposed by the Walker Act, and which in recent years has actually produced twice as much revenue as a still smaller duty, is not a revenue, but a protective

duty. I want to say, Mr. President, that, in my opinion, Democrats who, in the face of these facts, make that contention are free traders, though they may not know it.

Mr. President, if a 20 per cent duty upon lumber in a law carrying an average of only 19 per cent was a revenue duty, how can 11 per cent, the duty I ask for lumber, be an un-Democratic duty and a protective duty in a bill carrying 44 per cent?

I can understand the reasoning of a Democrat or Republican who opposes this duty upon the broad ground that lumber is a necessity, or raw material, and ought not to be taxed for that reason; but I can not understand the reasoning of a Democrat who opposes this duty upon the ground that it is protective, as contradistinctive from a revenue duty, and therefore in conflict with the Democratic theory of the tariff.

I repeat that I can not resist the conviction that a Democrat who honestly takes that position is a free trader without knowing it. The logic of his position is that all revenues should be raised from articles not produced in this country, and that every duty upon an article produced in this country is a protective duty, because you can not impose any duty upon a product produced here without to that extent protecting it against foreign competition.

I know, Mr. President, it is said that lumber was on the free list in the Mills bill and in the Wilson bill. That is true; but it was not put on the free list in either one of those bills because 11 per cent was a protective duty, for both of those bills carried an average of over 30 per cent. It was put on the free list in those bills because at that time there was but very little competition between lumber in this country and Canada. We were still cutting our virgin forests, using only the first and second cuts and allowing the other three or four cuts to rot in the woods.

It was a class and character of lumber that did not then, as it does not now, come in competition with the kind of lumber Canada then and now imports here, and there was therefore but little, if any, necessity for a duty upon lumber at that time. To-day it is very different. In addition to our longleaf pine, the finest structural material ever grown, we are cutting our shortleaf and loblolly pines. We do not only cut, as then, the two lower cuts, but the three upper cuts, cutting away the limbs and using the trunk almost to the very top. As a result, a large part of the timber which we are now manufacturing in the South, as well as, I understand, on the Pacific coast, is low-grade timber and comes directly in competition with the class of lumber with which Canada is now more or less flooding our markets.

In the second place, Mr. President, lumber was put on the free list in those bills because the basic principle upon which they were framed was free raw materials; and an absurd—no; I will not say absurd, but a strange idea seemed to prevail then and seems to obtain in some quarters now, that lumber is a raw material. Under the dominating influence of Mr. Cleveland, who was an eastern man, imbued to a large extent with the eastern idea of fostering foreign markets for our manufactures by giving our manufacturers free raw material, the Democratic party temporarily adopted the Henry Clay theory of free raw materials, and it became the cardinal principle of those measures. Those bills, largely for that reason, not only placed lumber upon the free list, but hides and wool as well. And I might say, in this connection, as will be remembered, that Mr. Cleveland was dissatisfied with the Wilson bill because coal was not likewise put upon the free list.

It has been said in my State that the two great Senators who represented my State in this Chamber when the Mills and Wilson bills were framed stood for free lumber. If it be meant by that statement that they supported free lumber in those bills upon the idea that 11 per cent duty upon lumber was not a revenue, and therefore not a Democratic duty, my answer is that that can not be true, because these bills carried an average ad valorem rate of from 30 to 49 per cent.

Mr. HALE. Mr. President—

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Maine?

Mr. SIMMONS. Certainly.

Mr. HALE. Right in line with what the Senator is so well saying, does he not remember, as an actual fact, resulting from the provisions for free lumber in the Gorman-Wilson bill, that lumber from the Canadian eastern Provinces—New Brunswick and Nova Scotia—flooded not only the ports and market places in New England, but, extending farther south, into the ports of the Chesapeake and maybe lower than that, came in and took the place of the American product during the operation of that act?

I remember specifically the statement of the master of a coaster, a lumber schooner from Maine, that in the wharves of

Boston, Chelsea, and the other ports where lumber was imported, he waited until twenty-odd Nova Scotia and New Brunswick schooners dumped their cargo. And the result—I do not know so well what it was in the South, but the Senator will remember that; he has been interested in this matter for years—with us was the complete prostration of the lumber industry for the benefit of the Canadian producer of that article.

Mr. SIMMONS. In reply to the statement of the distinguished Senator from Maine, I wish to say that a small duty upon lumber, such as \$1 or \$2, has but little effect upon foreign importations when the business of the country is in a normal condition of prosperity. When the prices of lumber in this country rule high, as they did during the three or four years prior to the panic of 1907, a duty of that rate is but little, if any, impediment to importation. But when business conditions are such as now obtain, and the price of lumber rules low; when there is but little margin between the market price and cost of production, as now and as during the years to which the Senator has referred, beginning in 1893 and continuing until 1898, a duty of this amount would be effective in substantially checking foreign importations and protecting the domestic market against the disastrous effect of overproduction and congestion.

Mr. President, the second argument in favor of removing or reducing this duty is that lumber is a necessary of life and that the price is too high. In other words, the demand for a reduction of this duty or a total repeal is in the interest of cheaper lumber for the consumer.

Mr. President, that contention must, of course, be based upon the proposition that the price of lumber is too high, because the contention that the price of a product which is already reasonably low ought to be further reduced in the interest of anybody can not be sustained, certainly not under conditions such as we have in this country.

Now, Mr. President, is the price of lumber unreasonably high in this country to-day or has it been so in recent years? I know it is said that great syndicates of rich men have bought up the stumpage of the country at nominal prices and are holding it at extortionate prices, and that lumber is controlled by a trust. I submit, Mr. President, that the evidence does not sustain either of these charges. Undoubtedly there are some large holdings of timber, but the great bulk of the timbered lands in this country, not held by the Government, is to-day owned by farmers and small landowners and by the owners of small mills. For every man owning immense areas of timber lands there are 500 owning timber in small tracts. A few thousand men may own 20 per cent of the timber lands, but the other 40 per cent held in private ownership is owned largely by three or four million farmers and mill men.

I do not myself sympathize with the argument that because a few men of great foresight may have bought large holdings of timber when timber was abnormally low, and as a result have become very rich, therefore their investments should be treated differently from those of others. They should not be punished because they have made a good bargain, because they had the foresight to buy when stumpage was abnormally cheap and to hold until it advanced in value.

The assault made upon the price of stumpage on the ground that it has advanced in recent years more rapidly than other property is not justified by the facts. The increase in price of stumpage has been more apparent than real. For a long time lumber sold for less than it was worth, because there was so much of it and because there was so little demand for it. The present price of stumpage compared with its price twelve or fifteen years ago may appear to be high, but as a matter of fact it is selling to-day for no more than it is worth. Stumpage is cheaper in this country than in any other country equally as developed as ours. It is not so cheap as in Canada, but that is because Canada is an undeveloped country with only about 6,000,000 people, with forest resources almost half as great as ours; and there is, therefore, but a limited domestic demand for its lumber. But compared with any of the countries of Europe, stumpage here seems not only low, but almost ridiculously so.

But, Mr. President, you can not legislate value out of the stumpage of these rich men without legislating it at the same time out of the stumpage of these 3,000,000 farmers and small lumbermen who hold it, scattered from one end to the other of this great country of ours. And surely no Senator wants to do that.

I deny that the manufacturer's price of lumber is now or has at any time been unreasonably high in this country. I know that great fortunes have been made in buying timber at a low value and holding it, but I deny that any great fortunes have been made in manufacturing lumber, and certainly none are being made now. I know there are some bureau statistics that tend to show that during the ten years preceding the panic the

per cent of increase in the price of lumber was greater than that of other things.

But that statement was issued during a political campaign just before election. It undertook to compare the increases in the cost of wages and living with certain other things, one of which was lumber, and worked it out, as these ante-election statistics generally do, in the interest of the dominant party. Senators will recall that these statements as to the comparative increases in the cost of labor and necessities were so absurd and so thoroughly contradicted by the common experience of the employers of labor and of shop women, and of market women, that the country laughed the statistics to scorn.

I do not deny that there had been up to the time of the panic a considerable increase in the price of lumber; but, thank God, there had been a considerable increase in the price of everything else—in the price of labor, in the price of all the products of the factory, the mines, and of the farm, as well as those of the forest.

I assert that at no time in all our history would a bushel of corn or of wheat or a barrel of pork or a ton of hay purchase in the open markets of this country as many feet of lumber as to-day. The same statement is true with respect to the relative value of these products during the five years preceding the panic.

Since that time we have passed through great tribulations in this country. The prices of farm products have stood it pretty well. Wheat is selling in Chicago to-day at over \$1.25 a bushel, hogs over \$7.50 a hundred, and corn is so high that even the negroes in my country can hardly afford any longer to eat corn bread. The lumberman has not fared quite so well as the western farmer and as many other manufacturers have. From the very day of that panic the bottom began to fall out of lumber, and to-day lumber is selling in this country at from 30 to 35 per cent less than it was selling for eighteen months ago.

The manufacturers of lumber in my State and in the South generally—and I think that it is true of the country as a whole—are to-day selling lower grades of their lumber, that which they make out of the tops and defective parts of the log, wherever they can find a market, and they are glad if they can get the actual cost of production.

Mr. SMITH of Maryland. Will the Senator from North Carolina pardon me?

Mr. SIMMONS. Certainly.

Mr. SMITH of Maryland. I will say it does not constitute the lumber that is made out of tops.

Mr. SIMMONS. I said the defective pieces.

Mr. SMITH of Maryland. Nor the defective portions, either.

Mr. SIMMONS. The Senator is right about that. I was a little inaccurate in my statement. As a matter of fact, a part of the best log is low grade.

Mr. SMITH of Maryland. I will say to the Senator that of all the lumber manufactured in the South 80 per cent is of low grade—

Mr. SIMMONS. That is true.

Mr. SMITH of Maryland. Eighty per cent of all the lumber manufactured in the South is of low grade or box lumber; and I can say, further, that that lumber to-day, 80 per cent of the entire product of the lumber manufactured in the South, is barely bringing cost.

Mr. SIMMONS. Undoubtedly, Mr. President, that is true. Our manufacturers are making a little something upon the higher grade lumber, but it is a fact that 80 per cent of the total is low grade. Much of this low-grade stuff is actually being sold to-day in the zone of Canadian competition at less than it costs to lay it down there. The manufacturer must sell it for what he can get for it or stop his mill and incur all the losses and results which the suspension of a costly plant and equipment involves. Where 80 per cent of the timber is low grade, he can not run his mill on high-grade material alone. And so he must make this low grade and sell it at a loss or stop. The truth is, Mr. President, if it were not for the little profit the lumberman makes on his high-grade lumber, there would be to-day a general instead of a partial suspension of the sawmills of the South.

But it is said that lumber is controlled by a trust, and I think a great deal of the sentiment in this country in favor of free lumber, probably a good deal of the sentiment that stood behind that platform declaration with which the Senator from Montana confronted me a little while ago, is the result of an impression in this country that lumber is controlled by a trust. It grew out of the newspaper agitation in connection with the alleged trust in wood pulp and print paper. Probably—I do not make the charge, but there are reasons to believe that—a number of rich timber speculators in this country have gone over into Canada and, taking advantage of the lower rates of stumpage over there, have laid in a big supply of cheap Cana-



dian timber, and want free lumber in the interest of these foreign holdings. If they have organized a press bureau for this purpose, it is not the only time speculators have subsidized a part of the press to fire the country with a false sentiment in order to advance their selfish schemes.

However that may be, Mr. President, an impression more or less general that lumber was controlled by a trust has had a great deal to do with the crusade against that industry, for that is what it is—nothing more nor less. Mr. President, there is no truth in the charge that lumber is controlled by a trust. When that charge was first made to the Department of Justice, we had a trust buster in the White House eager for the plaudits of the multitude and who sought and found popularity in pursuing and prosecuting certain of the trusts. Under his inspiration, the Department of Justice dispatched its agents, inspectors, secret-service men, and spies in every direction throughout this broad land to ferret out evidence to convict the great lumber trust. What was the result, Mr. President? A pitiable failure. No sufficient evidence was found. Then, when the matter came up for investigation before the Ways and Means Committee of the other House, certain gentlemen outside of Congress, some of them very much interested it is alleged in timber holdings in Canada, for three months exerted themselves to the utmost limit to prove in the hearings before that committee that lumber was in a trust.

Yet, Mr. President, anyone who will read that testimony—I am not going to bother the Senate with it—can not resist the conclusion that a case in court never so dismally failed as did this attempt to convict the manufacturers of lumber of being in a trust. But, Mr. President, there is one fact in the situation which can not be wiped out, which proves conclusively that the lumber industry in this country is not controlled by a trust. It is the fact that in thirty days after the panic came the price of lumber dropped from 30 to 35 per cent from one end of the country to the other.

Mr. CLAPP. What per cent?

Mr. SIMMONS. About 30 or 35 per cent. It is selling for 30 or 35 per cent less to-day than it was selling when the panic came.

Mr. CLAPP. You refer to the panic of 1907?

Mr. SIMMONS. I refer to the panic of 1907. I say that since that panic 35 per cent has gone out of its value, measured by the market price in this country.

Now, a trust that can not control prices any better than that is no trust at all. Has it been that way with iron and steel?

Confessedly, iron and steel are controlled by a trust. What happened to the prices of iron and steel? While the prices of other things were dropping and falling, did they not remain as fixed as the Pyramids until, in recent months, as a matter of business policy, the steel trust decided to reduce them? So it has been with the other trust-controlled products.

Mr. President, an appeal is made for cheaper lumber in the interest of cheaper homes for the farmer, the mechanic, and the laboring man. If lumber is too high, I would welcome anything that would reduce it to a legitimate margin of profit; but when you come to reducing the prices of articles by tariff legislation because they are necessities, then I insist that you apply the same rule to every necessary of life the price of which is enhanced by your tariff.

Lumber is a necessity in the sense that men have to have houses in which to live, and the people build houses chiefly of this material. But clothes are also necessities. The clothes of the people are made chiefly of cotton and of wool, and of course they have to have shoes made of leather. Each one of these articles, cotton, wool, leather, shoes, is taxed in this bill at a rate ranging from 15 per cent upon shoes up to about 60 per cent upon woolen and cotton goods.

There is no law that requires a man to live in a house, but in every State of this Union there is a law that requires both men and women to wear clothes. If the duty upon lumber should be reduced because it is necessary for men to have houses to live in, then I contend that the duty upon clothes should for the same reason be reduced, because it is necessary and it is commanded that the people shall wear clothes.

I want to ask our friends from the prairie and treeless States, where they raise chiefly grain and stock, where they have great ranches feeding thousands and millions of sheep, when they demand that the duty be taken off of lumber in order that its price may be reduced to them so that their people may have cheaper materials for building homes, if they are willing to apply the same rule to wool, so that the people of my section and the whole country may have cheaper clothes?

Mr. President, there have been times when men got along without either houses or clothes. There are some countries in the world to-day, they tell me, where both men and women do

without houses or clothes. But there never has been a time in the history of the world when men could do without something to eat.

The chief food product of the masses is corn, wheat, and meat. These articles are taxed by the present law and in the proposed bill at an average of about 30 per cent. Are the Senators from the great corn and wheat growing and stock-raising prairie and treeless States of the West and Middle West, who are demanding that value be legislated out of the lumber of the South and the Pacific coast in the interest of cheaper homes for their people, willing that the duty shall be taken off of corn, wheat, and meat, that the people of the South and the whole country may have cheaper food?

Mr. President, the South admittedly is the greatest lumber-producing section of this country. Forty-five per cent of all the lumber produced in this country is manufactured there. The South does not produce probably more than two-thirds of what it consumes in the way of corn, wheat, meat, and hay. Where does it get it? From the Western States. It gets it from the very section of country that is demanding that value be legislated out of our products so that they may buy it cheaper from Canada. We buy their wheat and corn and meat and hay by thousands of bushels, pounds, and tons every year. Are they willing to reduce the duty on these things that our people may get them cheaper, or do they demand that the principle that the necessities of life should be cheapened to the people shall apply only to the necessities which we produce and sell to them and not to those which they produce and sell to us?

Mr. GALLINGER. Mr. President—

The VICE-PRESIDENT. Does the Senator from North Carolina yield to the Senator from New Hampshire?

Mr. SIMMONS. I will yield in a minute. Let me say to the West that the best purchaser in the South of its corn and its wheat and its meat is the man who labors in the sawmill. Those 800,000 men, who have to feed 3,000,000 mouths and clothe 3,000,000 backs, are the best purchasers that they have for their corn and their wheat and their meat; and if they succeed in their present assault upon lumber, if the Canadians shall as a result drive the southern lumber manufacturers out of their markets and they shall thereby secure their lumber at cheaper rates, which I do not think they will do, they will get this reduction by paralyzing the purchasing power of the best customer they have for their wheat and their corn and their hay and their meat.

I now yield to the Senator from New Hampshire.

Mr. GALLINGER. Mr. President, I am greatly interested in the discussion of this question by the Senator from North Carolina. He is following a course of thought that has occurred to me more than once. The section of country from which I come has some interest in lumber as well as the South. New England does not raise a bushel of wheat and produces very little meat. We purchase from the great West practically all our foodstuffs.

If it be true that reducing the duty on lumber, or removing it entirely, will give to a certain section of the country cheaper homes, it follows, as a matter of fact, that reducing the duty on the products of the farms, covering wheat and corn and meat, will give us in New England cheaper foodstuffs. So I think the Senator is entirely justified in making the appeal he is making to those who are demanding free lumber—that they are standing, possibly, in their light in demanding high rates of duty on their products when at the same time they are willing to strike down the industry the Senator's State is so greatly interested in and which affects very greatly some States in New England.

Mr. SIMMONS. I thank the Senator very much for aiding me in my contention with his approval and with his very strong, intelligent, and pertinent statement.

Mr. President, the only additional reason under the sun that can be assigned for treating this product differently from the other products covered by the bill is that this proposed legislation is in the interest of forest conservation. There is no man who has greater sympathy than I have with the movement now on foot and far advanced in this country in favor of conserving all our natural resources, especially our timber supply. But I can not believe that the way to conserve our timber supply is to make our forests not worth conserving.

If reducing the duty on lumber or putting it on the free list would tend to the conservation of our timber supply, I would regard that as a strong argument in that behalf, but I am convinced as a result of my studies that so far from its having that effect it would have just the contrary effect. If you want to conserve your timber the way to do it is to make it more valuable. The Government can do much in the direction of conservation, but in the end the greatest conservation work must

be done by the individual owner, and his efforts both in growing and saving timber will increase in proportion as it becomes more profitable to grow and save it.

When timber was cheap in the South, we cut it ruthlessly. We cut down a fine \$2 pine tree to get a hundred fence rails; to get new fields, we cut down forests worth twice as much as the land itself, and cleared away the timber by burning it, and let our waste land out to grow up in pines. When they got up to merchantable size, supposing the land to be replenished in fertility for agriculture, we cleared them away by cutting them down and burning them.

Every summer we would set fire to the woods and burn away millions of dollars' worth of magnificent timber so as to afford a little better grazing for a few scrubby cattle. We cut it for firewood; we cut it for rails; we regarded it of no value and destroyed it as a thing not worth preserving.

Now, Mr. President, that our timber has become valuable, that every tree—pine, oak, hickory, or what not—standing in the forests represents so many dollars, every man in the South, no matter what his grade of intelligence, guards and protects that tree just to the same extent he would guard any other valuable property. We have as much litigation in my part of the country to-day with mill men because of violations of the contract in cutting timber so as to injure and not sufficiently protect the young and growing timber as we do about any other question.

There is not a State, I think, in the South to-day that has not passed laws looking toward the conservation of its forests, looking toward their protection from fires, looking toward the punishment of trespassers, looking toward the introduction of better and more intelligent cultural methods. It has come about as the result of the increased value of timber. And now the strange proposition is presented to us that in order to conserve the forests we have to make lumber less valuable and invite foreign countries to come in here and help us supply the demand.

Mr. President, would our timber supply be conserved by inviting Canada to assist us in supplying our present great demand for lumber? I think every man familiar with the lumber situation in this country will answer that question in the negative.

The zone of competition between the lumber of the South and that of Canada is largely the territory lying south of the Lakes, with New York on the east, the Ohio on the south, and the Mississippi on the west. The bulk of the lumber sold in that section by the South, and practically all of that sold by Canada, is low-grade lumber. Fully 80 per cent of all the lumber now manufactured in the South is low-grade lumber, and 60 per cent of this is sold in this zone of competition, not over 10 or 12 per cent being used at home, so to speak.

Practically the whole of the lumber imported into this country from Canada is of the same grade—Canada sells her high-grade lumber to England. This is shown by the fact that the price of the lumber sold here by Canada ranges from \$11 to \$20 per thousand feet; \$20, I believe, being the highest price, the average ranging around \$17. Canada sells her high-grade lumber to England at something over \$28, making a difference between the price of the lumber she sells us and the mother country of between \$11 and \$12.

Now, if the great lumber-consuming markets of this section are turned over to Canada where will the South find a market for its low-grade lumber? If it can not find a market, what will it do with that class of lumber? Is it not obvious that the lumbermen of the South will have to do with it exactly what they did years ago—that is, cut only the best part of the tree and leave the balance in the woods?

Mr. President, there are great lumber plants in the South; millions of dollars are invested in them. We can not afford to let these mills remain idle; they must be operated. If we can not find a market for the lumber made from the upper cuts of the tree, then we must supply these mills with the lower cuts, and that means, of course, that we will have to cut twice as many trees in order to secure the necessary amount of timber to keep the mills going as we would have to cut if we should use the whole tree.

If this should happen—and this would inevitably happen if the South were to lose these markets for its low-grade lumber or if the price of lumber in these markets were to fall below the cost of production, and for that reason our lumbermen should be compelled to stop manufacturing these low-grade cuts—for every thousand feet of lumber contributed by Canada toward supplying our national demand for lumber there would be a waste of 10,000 feet of our own, which would otherwise be utilized. The result would be forest destruction and waste instead of forest conservation.

Mr. CLAPP. Mr. President—

The VICE-PRESIDENT. Does the Senator from North Carolina yield to the Senator from Minnesota?

Mr. SIMMONS. Just let me finish this sentence.

Mr. CLAPP. I merely want to ask a question.

Mr. SIMMONS. Let me finish this sentence, and then I will yield.

Mr. CLAPP. All right.

Mr. SIMMONS. We will have to let it remain in the woods to rot.

Now I will hear the Senator from Minnesota.

Mr. CLAPP. What I wanted to ask was a question just for information, and not in the way of criticising the Senator's argument.

Mr. SIMMONS. Certainly. I shall be very glad to hear the Senator.

Mr. CLAPP. The Senator said the South consumes 12 per cent of the cheap lumber.

Mr. SIMMONS. I do not think it is quite that much. I think I overestimated it. It is probably not over 8 or 10 per cent.

Mr. CLAPP. What proportion of the remaining 80 or 90 per cent goes abroad, if any?

Mr. SIMMONS. We export some. I can not say how much. I am sorry I am not able right now to give the Senator the figures.

Mr. BACON. If the Senator will pardon me, while I do not profess to have accurate statistics, I have information which I deem reliable, that for the two States of Georgia and Florida, which are the principal yellow-pine producing States, very nearly two-thirds of the product goes to Northern States.

Mr. SIMMONS. That is true, I think, of North Carolina also.

Mr. BACON. Then the portion indicated by the Senator from North Carolina is consumed at home and the remainder goes abroad.

Mr. SIMMONS. Yes. We consume at home only about 8 or 10 per cent, and most of the balance we sell in other States. We ship only a small part across the water. That is what I meant by my statement.

Mr. BACON. I do not know how it is in North Carolina and Mississippi, which are also yellow-pine bearing States, and in South Carolina.

Mr. MONEY. If I may contribute something to this debate, by the permission of the Senator—

Mr. SIMMONS. I shall be delighted to have the help of the Senator from Mississippi.

Mr. MONEY. The State of Mississippi does produce a very large amount of longleaf pine.

Mr. SIMMONS. I know; it is one of the largest producers in the country.

Mr. MONEY. It is one of the largest producers, I believe. I have no knowledge of the amount that goes north, but it seems to me that we are pretty well cut off from competition, because the rate from Mississippi is about \$8 a thousand to Buffalo, Cleveland, Toledo, Chicago, and so on. But from Gulfport, which is my post-office, there are exported abroad about 300,000,000 feet, perhaps a little more, and from the port of Pascagoula, 30 miles east of my place, there is probably sent as much more. Of that sent from Gulfport, somewhere between 85 and 90 per cent goes to Argentina and Banda Oriental, and some to Bremen, some to Havre, and a little to Cuba.

I do not know the proportion that goes north, but that which goes to Canada is a kind of lumber that they call "pole lumber," because it is of a character which requires some rigidity, some flexibility, and great tensile strength, with lightness. It is something for which neither hickory nor oak nor spruce nor white pine will answer at all, such as car sills, for instance, and great timbers for the building of iron bridges and other structures where they have to have tall pieces with great tensile strength and some rigidity.

Mr. CLAPP. The Senator from Mississippi said it went to Canada. Did the Senator mean that?

Mr. MONEY. Oh, yes; I do mean it. It is a kind of lumber that they do not have there. They can not produce it, because they have nothing in their forests that will make it.

Will the Senator from North Carolina allow me a moment further?

Mr. SIMMONS. Certainly.

Mr. MONEY. I do not know much about this matter. The Senator from North Carolina is making such a magnificent speech on this subject I dislike to intrude at all. He knows a hundred times more than I do about it; but as to this one item, the class of timber we send to Canada and some other parts of the world, longleaf pine, I can recall now that a good many years ago, when the Northern Pacific was in construction,



they ordered from a friend of mine six pieces of timber that were to be 75 feet long. I have forgotten how much it squared, but it was the same square all the way through. He charged \$900 for those six pieces. The six pieces could not have been found elsewhere. They sent him back a check and asked him if he could furnish any quantity of it. They wanted more.

He declined to furnish more because of the difficulty of felling a tree of that length and having a bed to break the fall. He had to prepare a bed for every tree that he cut. Of course he did not lose the lumber, because he sawed it up into other things. I am sure this is a character of timber which is indispensable in some business, and it can be procured nowhere else that I know of except perhaps on the Pacific coast, with which I am not acquainted.

Mr. SIMMONS. I thank the Senator very much.

Mr. MONEY. I am very much obliged to you.

Mr. SIMMONS. I thank him for the assistance which his statement has given me.

I will state to the Senator from Minnesota that a part of the lumber which we produce in the South, in North Carolina, and I suppose in all the States of the South, is exported. The exports from this country to Canada, however, if that is what he had in his mind, are very small. I believe only about \$4,000,000 worth is exported from this country into Canada.

I want to say to the Senator that the price at which that lumber is invoiced shows that it is a very high grade of lumber. It is a kind of lumber which Canada must have in her railroad construction and in the other great works that she is now fortunately developing, and she has not got it. It is a well-known fact the longleaf yellow pine has a tensile strength that no other class of pine has. I do not believe the best timber on the Pacific coast compares with it in strength. The point I wish to make in answering the Senator's inquiry is that the lumber which Canada buys from us is lumber of a kind that she does not herself produce, while the kind of lumber that we buy from Canada is of a kind that we do produce, and she produces it at a less cost than we can produce it. The export prices will, I think, show that the lumber Canada buys from us sells at an average of eight or ten dollars per thousand feet more than that which she sells us. The grade is altogether different.

Mr. CLAPP. Mr. President—

Mr. SIMMONS. I yield to the Senator.

Mr. CLAPP. No; I do not like to interrupt the Senator so much.

Mr. SIMMONS. I have no objection.

Mr. CLAPP. I know you have not.

Mr. SIMMONS. Mr. President, the most important question in connection with this branch of the subject is, What will be the effect upon the price of lumber to the consumer if the duty is removed or reduced? Will he get cheaper lumber with which to build his home? Will the appeals which have been made in behalf of cheaper schoolhouses, cheaper churches, cheaper cabins, and cheaper homes be met and answered?

There are two facts which the evidence before the Ways and Means Committee put beyond dispute.

First. The competition between Canadian and American lumber is confined, as I have before endeavored to show, to the lower grades of lumber—what is known to the trade as Nos. 3 and 4, made mostly out of the upper cuts of the tree.

Second. That this competition is confined within certain territorial limits, as I have before stated, chiefly along the coast of the Lakes.

I do not think it can be, or is, seriously contended that the reduction or removal of this duty will affect the price of lumber in this country in the immediate localities where it is produced unless as the result of overproduction and consequent congestion caused by the delimitation of our markets; and no one, I take it, will contend that cheapening this or any other product by congestion is a desirable thing.

I have here a speech delivered in another body by a distinguished North Carolinian, strenuously advocating free lumber. In this speech he expresses the confident opinion that putting lumber on the free list will not cheapen lumber at all in the South. He contends that its only effect will be to cheapen lumber in certain sections of the Middle West.

I will read one or two extracts from this speech. It was regarded as one of the greatest speeches made in the great debate upon the lumber schedule which took place in the House. I do not read the speech to criticize it, because I agree with what is said with respect to the effect upon the price of lumber to the North Carolina and southern consumer. I simply read it as an authoritative statement of the contention of the advocates

of free lumber as to the effect of this legislation upon its cost to the ultimate consumer. He was asked:

Before the gentleman proceeds further, I would like to ask if the removal of the tariff on lumber will not result in reducing the price of lumber, how will that removal aid the home builders, to whom the gentleman refers, to build cheaper homes?

To this question he replied:

It is quite evident that the gentleman did not hear the first part of my talk. I said in the beginning, that while it would be a great blessing to millions of people in the West and Middle West, as I shall show later, it would not affect a single one of the southern mills.

Asked whether it would make lumber any cheaper, he replied:

It will not make lumber in the South, especially on the Atlantic seaboard, any cheaper—I wish it would—or affect us in the South, because in the section of Canada that will compete with us; that is, where the freight rates would allow competition with the southern mills—even if Canada had the timber—lumber is just as scarce as it is in the South and just as high as it is in the markets to which we ship.

After another interruption, he said:

In the great West, in the great consuming States of Illinois, Indiana, Iowa, Minnesota, Wisconsin, and Nebraska, and all out in that western section, removal of the tariff will make lumber cheaper to the consumer and will take the hand of the timber monopolists from the necks of millions of our western people, and I shall show it before concluding.

Again, Mr. President, he was asked:

If the gentleman thinks there will be no lumber imported into this country, how does he think there will be any relief to the consumer by placing lumber on the free list?

To which he replied:

I will gladly answer all questions, if my time may be extended; and I will show this House by the evidence of the tariff advocates themselves that, while it will not affect the South or any southern lumber, it will relax the grasp of the stumpage syndicates and lumber monopolists in the West from the throats of millions of our western people. While it will not help my people, I would be unworthy of my seat here if I were unwilling to help people who live out of my State.

Mr. President, in that latter sentiment I join him. I am ready, with him and with any other man on either side of this Chamber, to extend the same treatment to every article and every product embraced in this bill, I do not care in what section of the country it is located. All I ask is that there be uniform treatment; that there be no discrimination. I am willing to take a broad view of it.

Mr. PILES. Mr. President—

The VICE-PRESIDENT. Does the Senator from North Carolina yield to the Senator from Washington?

Mr. SIMMONS. In just a moment. I am willing to look beyond my State and beyond my section and cover in my vision the horizon of the whole country; but, Mr. President, I want the remainder of the country to also take into consideration the section in which I live.

Mr. PILES. Mr. President—

The VICE-PRESIDENT. Does the Senator from North Carolina yield to the Senator from Washington?

Mr. SIMMONS. I do.

Mr. PILES. I simply want to call the Senator's attention to the fact that the argument advanced by the gentleman in the other House, from whose speech the Senator has been reading, proceeds upon this line: He was endeavoring to show to the people of the South that the removal of the duty on lumber would not injure the people of North Carolina, for instance, but that it would injure the people of the Pacific coast and the people of New England, who are also engaged in the lumber business. In other words, he was perfectly willing to convince the people of North Carolina or of Georgia or of those other sections of the southern country that they were not going to be injured, and that all the injury would fall upon the people of the Pacific coast and the other sections of country where lumber is produced in very large quantities.

Mr. SIMMONS. He contended that the removal of this duty would not injure anyone in the South; that it would not injure those engaged in that industry, or the owners of timber in the South. I think he is mistaken in that contention, but it is not to that part of his contention that I am now addressing myself. I am discussing only that part of his contention with which I agree, and that is the contention that the farmer, the mechanic, and the laborer in the South who buy lumber will get no benefit from this legislation in the way of reduced price.

Mr. President, I think it is undoubtedly true, as stated by this able advocate of free lumber from whom I have just read, that putting lumber on the free list will not reduce to the extent of a penny the price of lumber to the consumer in North Carolina or the South. In all that vast region designated as the "South," inhabited by nearly 30,000,000 of people, this legislation will afford no relief to the consumer of lumber; lumber for the schoolhouses, for the churches, and the cabin and cottage will cost the same in North Carolina and in the South

whether the duty on lumber is reduced or not. It may cripple this great industry of that section by turning over their best markets to their Canadian competitors, and it may check the growth and prosperity of many hundreds of cities and towns and small communities, but the consumer of lumber, whether rich or poor, in this section will not get his lumber any cheaper.

I think, Mr. President, it may be accepted as an admitted fact—admitted by both sides to this controversy—that the reduction or removal of the duty upon lumber will not affect the price of lumber to the consumer of lumber in any part of this country, except possibly in the prairie States lying within the area south of the Lakes and which may be designated as the "Middle West." It is contended that they will get lumber at a cheaper price if Canada is permitted unrestricted access to their markets.

Now, as to the question raised by the Senator from Washington as to the effect of this reduction of duty upon the industry in his section and in my section, I think the owners of the 28,000 sawmills scattered broadcast over the South and the Pacific coast know better about that than I do. I have met many of them from the Pacific coast as well as the South. They are all intelligent men; they understand their business. Not one of them has spoken to me upon the subject of this legislation except with apprehension. There are more than 1,400 of these mills located in my State, and they are owned by among the best and most intelligent business men of my State. I have had some sort of communication, by letter or wire, with nearly all of them since this agitation began, and I want to state that not a lumberman from my State has written or wired or spoken to me upon this subject who did not express grave apprehension as to the effect of this legislation upon his industry. Not only the lumbermen but many bankers and merchants of the lumber section of my State and the South have written me, and not a single one of them has written asking me to vote for the removal or reduction of this duty; neither has any farmer or consumer of lumber, as far as I now recall, in that section asked me to vote for it.

Now, Mr. President, let me get to the last question I wish to discuss in connection with this branch of the subject under consideration, and that is, Is it true that the consumers of lumber in the Middle West will get lumber cheaper as the result of the removal or reduction of the duty on lumber? Now, as I stated before, Canada is only selling us her low-grade stuff; she has a use and demand at home and in the mother country for all of her high-grade lumber. The kind of lumber she is now selling us, and the kind of lumber she will sell us after this bill is passed, is not the kind used in building houses for homes. No prudent farmer or mechanic or laborer will build a house out of this class of lumber. It decays rapidly and is, for that reason, unsuited for that purpose.

Some of it is used for sheathing—"double weatherboarding," as we call it—in between the laths and the outer weatherboarding, and that is used mainly by the rich, by people who live in cities, generally. The home builder does not use it—at least, only to a limited extent. The bulk of the lumber now supplied us, and which will be supplied us, by Canada is not used in building houses and barns and stables, but it is used for manufacturing boxes, crates, and that sort of stuff.

Mr. SMITH of Maryland. Mr. President—

The VICE-PRESIDENT. Does the Senator from North Carolina yield to the Senator from Maryland?

Mr. SIMMONS. In a moment. The chief beneficiary, if there should be a reduction of the price as a result of the removal of this duty, or its reduction, would not, therefore, be the home builder nor the struggling farmer, but the great, rich box factories that are located along the Lakes.

Mr. SMITH of Maryland. If the Senator will pardon me, I will state that from 200,000,000 to 300,000,000 feet of this common lumber is used for export purposes, for boxes in which to export the products of this country. There is one concern alone, I may say, which uses 200,000,000 feet of this lumber. It does not go into the manufacture of houses, but goes into the manufacture of boxes for carrying the manufactured products of this country.

Mr. SIMMONS. I believe the Senator is a large owner of timber, he owns some in my State, and he is a practical manufacturer of lumber. I want to ask the Senator to tell the Senate whether I am not within bounds when I say that at least 80 per cent of the timber that we sell in competition with Canada is the low-grade stock which he has just said is used for manufacturing boxes.

Mr. SMITH of Maryland. If I wanted to be entirely accurate I would say that more than 80 per cent of all the lumber manufactured in the South is low grade; in fact, in some sections of the South there is not 5 per cent of some of the timber

that is cut that is above what is known as "box grade," and at least 80 per cent or more of the lumber that is manufactured in the South is what is known as "box-grade" quality. I can say, for the benefit of the Senate, that to-day that lumber is barely bringing what it costs to manufacture it; in fact, I hardly think it is bringing what it costs to manufacture it. I know as a fact that in Norfolk about the lowest price that logs are bringing is \$11 per thousand, and that you can buy box-edge boards at that price to-day. Of course, there is other lumber that brings a little more—stock lumber—but so far as the box-edge lumber is concerned it is not bringing what the log itself costs.

Mr. BEVERIDGE. According to that, the Senator would be in favor of increasing the tariff on lumber, would he not?

Mr. SMITH of Maryland. No, sir.

Mr. BEVERIDGE. Then in maintaining the present rates of duty?

Mr. SMITH of Maryland. I want to say to the Senator from Indiana that, so far as I am concerned, I am in favor of a proper adjustment of the tariff. I recognize the fact that we must have revenue; I recognize the fact that that revenue is to be obtained by a tariff; I recognize the fact that on account of the tariff there is incidental protection; and, so far as I am concerned, I want the people that I represent and the people of the South generally to have their share of that incidental protection.

Mr. BEVERIDGE. I thought that was the Senator's position. The Senator will therefore vote—

Mr. SMITH of Maryland. I am not asking for protection to benefit monopolies.

Mr. BEVERIDGE. Just incidental protection.

Mr. SMITH of Maryland. I say that if we have to have protection, which we must have on account of the tariff, I want the section that I represent to have their portion of it, because they pay their portion of the taxes.

We on this side represent 30,000,000 people, who pay one-fourth of the taxes of this country. Taxes, I recognize, are an evil, but a necessary evil; and if we have to pay our portion of the taxes, we want our portion of the incidental protection.

Mr. DIXON and Mr. BURKETT addressed the Chair.

The VICE-PRESIDENT. Does the Senator from North Carolina yield, and to whom?

Mr. SIMMONS. I yield to the Senator from Montana [Mr. DIXON].

Mr. DIXON. The Senator from Maryland is in favor of a tariff on lumber, as I understand his statement?

Mr. SMITH of Maryland. I am, sir, as incidental protection for the purpose of raising revenue.

Mr. DIXON. How does the Senator square his present profession and belief with the last Democratic national platform?

Mr. SMITH of Maryland. What is that?

Mr. DIXON. I ask, How does the Senator from Maryland square his present belief and assertions with the last national Democratic platform, which declared specifically that lumber should go on the free list?

Mr. SMITH of Maryland. So far as the last Democratic platform is concerned, the platform asked for the reduction of the tariff generally. If you reduce the tariff all the way along the system, then the Senator from Maryland is willing to take his portion of the reduction for the section that he represents.

Mr. DIXON. But the Democratic national platform declared specifically that lumber should immediately go on the free list.

Mr. SMITH of Maryland. But the platform went on further and declared that there were other things that should be reduced, too.

Mr. DIXON. But it mentioned specifically lumber.

Mr. CLAPP. Mr. President—

The VICE-PRESIDENT. Does the Senator from North Carolina yield to the Senator from Minnesota?

Mr. SIMMONS. I am very glad to yield. I am somewhat tired, but am not quite through.

Mr. CLAPP. I want to correct the Senator from Maryland. The Democratic platform does not go on further and declare that other things should be reduced; but after saying that they believed the tariff should be reduced as soon as practicable to a revenue basis, the Democratic platform then goes on and demands the immediate repeal of the lumber tariff.

Mr. SMITH of Maryland. If you want me to speak of that from an individual and personal standpoint, I will say that if we must have revenue, I think a part of the revenue might as well be gotten in that way.

Mr. BEVERIDGE. Mr. President, I may be permitted to say, in connection with what the Senator from Minnesota [Mr. CLAPP] has said, that, in view of the position of Senators upon



the other side, or some of them, it does not make very much difference what the Democratic platform said upon this question. [Laughter.]

Mr. SMITH of Maryland. That is a matter about which the Senator from Indiana can draw his own conclusions.

Mr. BEVERIDGE. I do.

Mr. SIMMONS. I said, in reply to the Senator from Montana [Mr. Dixon], in the beginning of my speech all I care to say upon the subject of the Democratic declaration about lumber.

Mr. BURKETT. Mr. President—

The VICE-PRESIDENT. Does the Senator from North Carolina yield to the Senator from Nebraska?

Mr. SIMMONS. Certainly.

Mr. BURKETT. Let me suggest to the Senator that I have sat and listened to the speeches that have been made by the Democrats, and I am getting a little nervous. In the campaign that we made out in Nebraska last year the Democrats—

Mr. SIMMONS. I presume, if the Senator will let me interrupt him, that he is very nearly as much troubled about getting that declaration of the Republican platform with reference to the postal savings bank system acted upon as we are with reference to lumber. [Laughter.]

Mr. BURKETT. I did not understand the Senator's question.

Mr. SIMMONS. I said I presumed the Senator was having about as much difficulty in getting the Republican declaration in regard to the postal savings bank system made into law as we are having over this little declaration about lumber.

Mr. BURKETT. The Senator from Nebraska admits that he has not been quite so successful in that direction as he hoped he might have been, but the Senator from North Carolina will acquit the Senator from Nebraska of any lack of effort on his part to get the postal savings bank system carried out.

Mr. SIMMONS. The Senator has been doing his best to overcome the opposition on his side of the Chamber to the declaration of his platform on this subject, but with little success.

Mr. BURKETT. But what I was about to say to the Senator was, that in the campaign last fall I recall that one of the particular planks that caused Republicans in the State of Nebraska and throughout the Mississippi Valley generally the most trouble was that which the Democrats wrote upon the lumber tariff. I think there was not a single speech made by any Democrat in our State in which he did not read that specific section of the Democratic platform and did not appeal to our people to vote for the Democratic ticket and for Democratic Congressmen, on the theory that if they would send Democrats down here they would join the Democracy of this country and give them free lumber or, at least, reduce the rates on lumber. On every single platform where we spoke we had to answer that proposition; in fact, we had to answer a good many statements that had been made with reference to various declarations in the Democratic platform.

But, finally, after a long, hard struggle, during which we promised them as Republicans that lumber should be made as cheap as possible, recognizing that it was one of the great necessities of the American people, and that for the protection of our forests, for the protection of the home builder and all the other people to whom the Senator from North Carolina has adverted, we stated we would agree to help the Democracy of this country to reduce somewhat the tariff upon lumber. Now, I say it is rather disappointing to me, I confess, to find every Senator, so far as I have been able to observe and so far as I have followed this debate, who has arisen to speak upon the other side of the House, take a position in behalf of a protective tariff upon lumber. I said that this was very embarrassing to me, because the way the thing is going on it appears to me there will only be a few of us who live out there in the Mississippi Valley, and Republicans at that, who will try to get cheaper lumber for the people of this country.

Mr. SIMMONS. I hope the Senator will not inject a set speech into my argument.

Mr. BURKETT. I would not do that.

Mr. HEYBURN. Mr. President, will the Senator from North Carolina permit me for a moment?

The VICE-PRESIDENT. Does the Senator from North Carolina yield to the Senator from Idaho?

Mr. SIMMONS. I should be glad to yield to the Senator, but I would first like to say just a word in reply to the Senator from Nebraska.

Mr. HEYBURN. I only intended to speak a word of admonition to the Senator from Nebraska.

Mr. SIMMONS. Very well.

Mr. BURKETT. Let me say to the Senator from Idaho that it is most embarrassing—

Mr. SIMMONS. I think the Senator from Idaho can admonish him better than I can, and that he will take the admonition more kindly.

Mr. BURKETT. Let me anticipate the Senator from Idaho by saying that it was as embarrassing to have to make any promise to follow the Democratic tariff ideas in a campaign as it is, I suspect, for Senators on the other side to meet the proposition of their platform at this time.

Mr. HEYBURN. I sincerely trust that the Senator from Nebraska will not be too energetic in reminding Senators on the other side of their declaration upon this question, inasmuch as the Republican platform is along the lines now being contended for by Senators upon the other side.

Mr. RAYNER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Maryland?

Mr. HEYBURN. In a moment. Their inadvertent declaration upon the lumber schedule in their platform has evidently taken a new phase. I am very much gratified that it is so, and I would not have a word come from this side of the House which would discourage them from their reformation in that particular.

Mr. RAYNER. Mr. President, before the Senator from Idaho takes his seat I will ask him what does he mean by "Senators on this side?" I hope the Senator himself and the Senate will take the declarations of Senators as they come from them, and not consider because one particular Senator may be in favor of protection or in favor of what he calls "a revenue duty," which is equivalent to protection generally upon a proposition of this sort, that all Senators on this side are in favor of it.

I hope the Senator from Idaho will wait until each Senator on this side expresses his opinion upon this bill. So far as I am concerned, I have been waiting here for several days to make a few observations upon this subject. I want the Senator from Idaho to understand that I am in favor of a constitutional tariff for revenue and for no other purpose, and I propose to stand strictly upon the Democratic platforms that have enunciated that doctrine for the last quarter of a century. I hope the Senator will not in speaking of "Senators on this side," without criticising the Senator at all, because his view may be correct, conclude, because one Senator expresses his opinion upon one particular schedule out of 4,000, that all of the rest of the Senators agree with him upon the principles and propositions he announces.

Mr. HEYBURN. Mr. President, just a word. I used the expression "Senators upon the other side" in strict conformity with the parliamentary custom in this body. It is quite usual to refer to the Senators on that side of the Chamber as a whole when one of their number is speaking, from the party standpoint I assume, for the Senators on that side.

Mr. RAYNER. The Senators who have spoken, especially my distinguished colleague from my State, may be perfectly right about this proposition. I am not discussing that question. But let the Senator from Idaho wait until he hears from Senators on this side and not take it for granted that we all agree with any particular Senator who may be speaking upon any particular subject. I do not mean in the slightest degree to criticise anything that any Senator has said upon this subject—

Mr. ALDRICH. Will the Senator from Maryland allow me to interrupt him?

Mr. RAYNER. Yes; I will.

Mr. ALDRICH. Does not the Senator from Maryland expect that a majority of the Senators sitting upon the other side of the Chamber will vote for a lumber tariff?

Mr. RAYNER. I do not know how anyone else will vote. I know I shall not vote for it. Of course I can speak only for myself. I do not pretend to criticise the vote of any Senator who may vote that way; and he may be right, and I may be wrong; but I propose in a very brief address, when I have the opportunity, to present my views, not only on lumber, but upon everything else, to stand upon a constitutional tariff for revenue. The Senator from North Carolina and the Senator from Maryland are assuming the proposition that this is a tariff for revenue. I am not criticising that proposition.

Mr. BEVERIDGE. And incidental protection.

Mr. SMITH of Maryland. Just one moment.

The VICE-PRESIDENT. Does the Senator from North Carolina yield to the junior Senator from Maryland?

Mr. SIMMONS. Certainly. I will yield for a brief statement, but I will yield to nobody else for a speech.

Mr. SMITH of Maryland. I will not be three minutes in what I have to say. So far as I am concerned, I am for a constitutional tariff for revenue. I did not say "constitutional," but I said a tariff for the raising of revenue for the expenses of the Government. It might be inferred from what

my colleague from Maryland has said that I go further than that. I do not believe the Senator from North Carolina made any argument contrary to that. I stand as he stands, and I did not go beyond that in anything I have said.

The Senator seems to insinuate that I or the rest of us have said something that would imply that we went beyond a constitutional tariff for revenue. I want to say to the Senator that I did not say that I went beyond that; but I did say that inasmuch as this revenue had to be raised by a tariff, and that there was incidental protection growing out of the tariff, I wanted it properly adjusted, and that all the people should share whatever might come out of it. I am not in favor of anything but a constitutional tariff for revenue.

Mr. RAYNER. Mr. President—

Mr. SIMMONS. I decline to yield, Mr. President.

Mr. RAYNER. Will the Senator allow me—

Mr. SIMMONS. I decline to yield any further. I think I have been sufficiently patient.

Mr. RAYNER. He might allow me a moment, considering that he has been speaking for two hours. I do not think the Senator will object to it.

Mr. SIMMONS. If the Senator from Maryland puts it upon that ground, of course I will not object, if it is a matter of urgency.

Mr. RAYNER. I do put it upon that ground.

Mr. President, I made no criticism. I made no charge whatever. I understand the position of the Senator from Maryland, and I think it is a perfectly consistent one. He is in favor of a tariff on lumber because he believes it to be a tariff for revenue. The only reason I rose was this: I do not want the Senator from Idaho or anyone else to conclude me upon any proposition until I have the liberty and the privilege of being heard before this body. That is all. I am responsible for my own opinion. No one is bound to agree with me at all; and, while I criticize no one, I stand upon the Democratic doctrine of a constitutional tariff for revenue, enunciated in every Democratic platform for the last quarter of a century.

Mr. SIMMONS. Mr. President, I utterly decline, as I did in the early stages of my argument, to be drawn into a political controversy about this matter. I am willing to state the broad fact that I am in favor of the retention of the present duty on lumber. I am willing to rest that, as a Democratic position, upon the argument which I have made here for the purpose of showing that it is a revenue tariff, and a good revenue-producing tariff.

Now, so far as the platform is concerned, I have said just as much about that platform declaration as I intend to say about it. When we are framing a bill based upon the principle of protection—and the highest protection bill, probably, that has ever been framed in this country—I am not going to treat a particular item in such a bill as I would if we were framing a bill based upon the principle of a tariff for revenue on a low basis. I do not consider that our platform declarations, taken in good faith, require me to do so.

Mr. ALDRICH. Will the Senator from North Carolina allow me?

The VICE-PRESIDENT. Does the Senator from North Carolina yield to the Senator from Rhode Island?

Mr. SIMMONS. Certainly.

Mr. ALDRICH. It seems to me we are in a fair way to compose all our differences. A large majority of the Senators upon this side are in favor of keeping the duty on lumber as a protective duty. A large majority, I will assume—

Mr. SIMMONS. If the Senator will permit me to interrupt him, I have not, although several Senators have referred to me as advocating this as a protective duty—

Mr. ALDRICH. Oh, no. I am speaking about this side.

Mr. SIMMONS. I have not done that. On the contrary, I have insisted that the present rate which I want retained is a better revenue-producing duty than the old rate.

Mr. BEVERIDGE. "A rose by any other name would smell as sweet." It does not make any difference whether it is called for protection or for revenue.

Mr. BACON. Mr. President—

Mr. ALDRICH. I have not finished my sentence. Will the Senator permit me to finish my sentence?

Mr. BACON. Certainly.

Mr. ALDRICH. I said a large majority of the Senators upon this side of the aisle are in favor of a duty upon lumber as a protective duty. A considerable portion, I think a majority, on that side of the aisle are in favor of a duty on lumber as a revenue duty. Now let us agree that so far as this bill is concerned we shall waive the question of names. We are both for the same thing under different names.

Mr. SIMMONS. I should like, before the Senator from Rhode Island takes his seat—

Mr. BACON. Mr. President—

Mr. SIMMONS. I will yield to the Senator from Georgia in a moment, after I address this inquiry to the Senator from Rhode Island: Is it possible to levy an import duty upon an article produced in this country, whether for revenue or for protection, which does not in effect protect it against foreign competition to the extent of that duty?

Mr. ALDRICH. It certainly is. A protective tariff and a revenue tariff are absolutely and diametrically opposed to one another.

Mr. BACON. Will the Senator permit me for just a moment? The Senator from Rhode Island made a suggestion, which is one upon which we may act practically, and that is, that we compose our differences; and the lumber tariff being the particular item which has suggested that possibility to his mind, I want to meet him and suggest that I am perfectly ready to meet the Senators on the other side of the Chamber by composing our differences upon the basis of this particular tariff. The tariff upon lumber is about 10 per cent ad valorem. It is a revenue tariff. It yielded last year nearly \$4,000,000 upon Canadian lumber which was imported.

The Senator from Rhode Island, being the chief architect of the present bill, has seen fit to put knit underwear and various other articles which are very peculiar to the particular section from which he comes at a most extravagant increase over the present law. I propose that we compose the present differences by bringing knit wear and those other articles down to 10 per cent. Will the Senator agree to that?

Mr. ALDRICH. The Senator has shown that he is not acquainted with this bill, or with the provisions of the duties upon underwear.

Mr. BACON. What is the duty on underwear?

Mr. ALDRICH. He is now stating a different proposition entirely.

Mr. BACON. Oh, yes; of course it is different; but I want to make it the same. I want you to come down to 10 per cent.

Mr. ALDRICH. The Senator from Georgia does not like to be confined to the question of the duty on lumber. He wants to be able to say to the country that he is in favor of a duty on lumber as a revenue duty.

Mr. BACON. Yes.

Mr. ALDRICH. I have been in the Senate long enough to have heard that argument many, many times. Every Senator who wants to dodge behind a party platform or something else supports a revenue duty. It is the same thing whether you call it a protective or a revenue duty. It is levied for the protection of American interests.

Mr. BACON. Speaking of dodging, I want to see if the Senator will dodge his own proposition. When one speaks about composing differences, it means people getting together. I am pointing to the fact that the particular item which called forth the suggestion from the Senator was one which bears 10 per cent duty, and I called attention to the fact that Senator in his particular section has duties which are way above 50 per cent.

Mr. ALDRICH. Will the Senator vote for 10 per cent?

Mr. BACON. I will vote to bring them down.

Mr. ALDRICH. The Senator says it is 10 per cent duty. Will he vote for a 10 per cent duty on lumber?

Mr. BACON. I will.

Mr. ALDRICH. Ten per cent ad valorem?

Mr. BACON. Absolutely. That will be the better plan on which to put it. Will the Senator vote for 10 per cent upon the New England products that I have mentioned?

Mr. ALDRICH. I am a protectionist—

Mr. BACON. Yes.

Mr. ALDRICH (continuing). And I have the courage to say I am a protectionist. I am a protectionist as much in Georgia as in New England; I am for protection all along the line; and I am willing to call it protection. I am not dodging behind a proposition of a revenue tariff or anything else. I am for protection, and whether it is 10 per cent or 20 per cent or 30 per cent or 40 per cent or 50 per cent, whatever it may be, I am for it.

Mr. BACON. Very well. I want to say this to the Senator: The Senator says he is for protection. I wish to say with equal positiveness that I believe protection to be a most vicious and unjust system of taxation, and before the session closes I hope to have the opportunity to state my reasons plainly. There will be no dodging on my part. But everybody must recognize the fact that there must be a tariff for the support of the Government.



But, without pursuing that, I am bringing the Senator back to his particular proposition. The Senator, in a most generous spirit, suggested, in view of the fact that some on this side were willing to have a duty of 10 per cent on lumber, that there was a most gratifying opportunity to compose differences. The difference I am proposing particularly to compose, in response to the suggestion of the Senator, is that the 10 per cent duty on lumber shall be composed with the 60 or 75 or 80 per cent duty upon the products of the particular section the Senator represents—underwear, clothing, and other necessary articles—by bringing those 60, 70, and 80 per cent duties down to 10 per cent. Will the Senator agree to it?

Mr. ALDRICH. My suggestion was a composition of the differences upon names.

Mr. BACON. We have the authority of the distinguished Senator from Indiana [Mr. BEVERIDGE] that names make no difference. He even went so far as to quote Shakespeare upon that subject. I am asking something more than names. I am not here to bandy words. We are here for the purpose of fixing duties. We on this side—at least I am—are in favor of a 10 per cent duty on lumber, which is a low revenue duty. The Senator himself, with a generosity which so generally characterizes him, proposed that we compose our differences, and I am calling attention now to the differences to be composed—10 per cent for a southern product, 80 per cent upon a Rhode Island product—and I am asking the Senator if he will meet me, not by going halfway, not by raising the duty on lumber, and then coming down to that point when it is raised—

Mr. ALDRICH. What about rice?

Mr. BACON (continuing). But by letting lumber stay where it is—

Mr. ALDRICH. Will the Senator agree to a duty of 10 per cent on rice?

Mr. BACON. I will say this about rice: I am in favor of reducing the tariff upon all the necessities of life. I do not know exactly what is the percentage on rice; but if the percentage on rice is high, I am in favor of reducing it.

I believe that the great need of this country is that the tariff should be reduced upon all the great necessities of life; and Senators upon that side who are in favor of keeping the tariff up to that enormous height are trying to take courage and comfort to themselves when there is the least recognition on this side of the propriety of a duty which is strictly within revenue lines, and endeavor to ascribe to Senators upon this side a desire to have the advantage of a protective tariff while they deny their allegiance to such a doctrine.

I utterly repudiate it. I say to the Senator there is not a single article produced in the South as to which I will not vote for a reduction of the tariff if you can show it is above a legitimate revenue tariff. Can the Senator desire any more plain proposition than that? I repeat it—that upon any product North or South I will vote for a reduction of the tariff duty if it can be shown that it is above a legitimate revenue basis.

Mr. BEVERIDGE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Indiana?

Mr. BACON. I do.

Mr. BEVERIDGE. It is simply for a question. The Democratic platform specifically declares for free lumber. Does the Senator think that platform right or wrong in that particular?

Mr. BACON. That platform, like all platforms, is probably written by the committee at midnight, and when reported by the committee on resolutions it is scrutinized by the convention, in the main, as to the enunciation of general principles and not so particularly as to minor details. The Senator from Indiana has been in national conventions, and almost every Senator who is within hearing of my voice has been in national conventions, and we know how that is. Upon a question of the policy of the party, as to whether or not it shall be in favor of a protective duty or a revenue duty, it is binding upon us all. But when a particular article among a hundred others is picked out and it is said that it should go on the free list, that is an expression of opinion by the committee which is, perhaps, not particularly considered by the convention while its attention is engrossed by more important matters.

Mr. BURKETT. Mr. President—

The VICE-PRESIDENT. To whom does the Senator from North Carolina yield?

Mr. BACON. I am occupying the floor by the courtesy of the Senator from North Carolina.

Mr. SIMMONS. I thought I had the floor.

Mr. BURKETT. I rise to a question of privilege.

Mr. SIMMONS. I do not wish to be discourteous. I think I have been sufficiently patient and that I might be allowed to finish my speech.

Mr. BURKETT. I will say to the Senator from North Carolina that I have risen to a question of privilege. However, I will not interrupt him. Of course the time of the day or night when the platform was written, it seems to me, is somewhat a reflection upon the hours that the people in Nebraska observe. As I understand their platform, it was not made at night—

Mr. SIMMONS. The statement the Senator from Nebraska is making will lead to another statement from the Senator from Georgia [Mr. BACON], and then the Senator from Indiana [Mr. BEVERIDGE] will have a word, you know, and that will bring him to his feet—

The VICE-PRESIDENT. The Senator from North Carolina declines to yield further.

Mr. SIMMONS (continuing). And I shall not have an opportunity to finish my speech to-day.

Mr. BURKETT. I should like to tell the Senator when the platform was written, and where.

The VICE-PRESIDENT. The Senator from North Carolina indicates that he does not care to hear it now.

Mr. SIMMONS. If the Senator was addressing that remark to me, I can state that I know all about it—where it was written and when it was written.

Mr. BURKETT. I have no doubt the Senator from North Carolina does, but evidently the Senator from Georgia does not.

Mr. GORE. Mr. President—

The VICE-PRESIDENT. Does the Senator from North Carolina yield to the Senator from Oklahoma?

Mr. SIMMONS. I want to be courteous to Senators, and I think I have been, and I trust the Senator from Oklahoma will let me go on with my speech.

The VICE-PRESIDENT. The Senator from North Carolina will proceed.

Mr. SIMMONS. Mr. President, there is only one other matter in connection with the lumber schedules that I wish to bring to the attention of the Senate, and that is the final question of what will be the effect of the removal or reduction of the duty as proposed in this bill upon the industry itself and the communities in which it is located and the interests with which it is affiliated.

The question is not, in my judgment, a question of increased or decreased cost. I do not believe, as I have tried to show, that the price of lumber will be materially affected, certainly not except in a comparatively small area. It is not a question of price, but of market. The question is whether the American producer shall have the zone of his market within his own country enlarged or decreased. Whether he shall hold the markets he now has or surrender a part of them to the Canadian producer. That in turn is largely a question of transportation.

There are three great timber supplies from which the people of the United States draw their lumber. One of them is located in the South. One of them is located on the Pacific coast. The other is in Canada. There is a limited supply in Minnesota and Michigan and around the Lakes, but these are the three great sources from which the people of the United States draw their lumber supply.

It may be said in a very real sense that each one of these timber regions has what I may designate as its "natural market zone," and then along the lines which separate these zones there will be a neutral zone in which competition will be very sharp and very acute, and is very sharp and very acute.

Mr. President, I maintain that anything which gives the lumbermen of one of these sections a material advantage in the cost of production or transportation of his lumber over his competitor in the other two sections, gives him not only an advantage in his own zone, but enables him to that extent to extend his natural zone into the zone of his competitor just to the extent that that advantage, whatever it is, whether it is \$1 or \$2 or \$3, will pay the transportation rates upon a thousand feet of lumber.

The Canadian producer of lumber has an advantage in the cost of production over the American producer both in labor and in stumpage; but he has a still greater advantage in the less cost of transportation. I am speaking especially with reference to the southern situation. I am not so familiar with the Pacific situation. The competition of our southern section is with the Georgian Bay section of Canada; that bay is an arm of the lake which enables the manufacturers of lumber along its winding course to reach by water about a dozen of the very largest consuming cities in this country.

I say he has three advantages. The first of these is in cheaper labor. I do not contend that the difference in labor cost between the Georgian Bay section, which I say competes with our southern lumber, and the labor cost on this side is very great.

I do not think it is anything like so great as it is between the American Pacific coast and British Columbia; probably not one-fifth so great as that is. But still it is a difference in labor cost that materially affects the question of competition.

I am not disposed, Mr. President, to weary the Senate or take up its time in trying to establish that proposition by the evidence in the hearing, though it is conclusive. I do not think I ought to have to make an argument to the Senate to show that the labor cost of making a thousand feet of lumber is less in Canada than it is in the United States. Certainly I ought not to be required to make an argument to any Republican. They ought all to admit that. If that is not true, what becomes of the arguments, the fervent, eloquent orations that we hear in this Chamber when a tariff is under discussion, and upon the hustings during the campaign, about the cheaper cost of the necessities of life in other countries, and about the lower standards of wages and living in other countries?

If it be true that in Canada the necessities of life are just as high as they are here, if it be true that in Canada wages are just as high as they are here, and the standard of living just as high as it is here, then the proud Republican boast that the wage standard and the standard of living is higher here than anywhere else in the world is a fiction and a pretense. If the standard of wage in the lumber camps and sawmills of Canada is as high as here, and the wage rates as high in this industry there as here, then I assume that the standard of wage in the other industries of Canada, whether in factory or on farm, is also as high as here; and if that be true, pray tell me why it is necessary, from a Republican standpoint, from your standpoint, for us to protect anything that is produced in Canada and imported to this country? It will not do to say—

Mr. SMOOT. Mr. President—

The PRESIDING OFFICER (Mr. McCUMBER in the chair). Does the Senator from North Carolina yield to the Senator from Utah?

Mr. SIMMONS. For a question?

Mr. SMOOT. Just for a question. I should like to ask the Senator if he has any figures in his possession showing the difference between the cost of labor in Canada and in the United States?

Mr. SIMMONS. I confess that I have not. I have read a great deal of the testimony before the House committee, which tends to show that the difference is only 15 or probably 20 per cent.

Mr. SMOOT. The Senator, then, believes there is that difference?

Mr. SIMMONS. I believe there is that difference. I say there is that difference, and it is a distinct advantage to the Canadian in this competition.

Mr. President, the Canadian has also a very great advantage over the lumberman of my section of country in the less cost of stumpage in Canada. I am not going into that question. It is said that stumpage is outrageously high in this country. If it is not lower in Canada, it must also be outrageously high there. I think the evidence before the Ways and Means Committee shows conclusively that stumpage is very materially less in Canada than it is in this country.

Mr. HALE. Is not that probably the largest factor?

Mr. SIMMONS. Except transportation. I think transportation is probably a larger factor.

Mr. HALE. That I understand; but as to the product?

Mr. SIMMONS. As to the product it is decidedly the largest.

Mr. HALE. Is not that a very marked distinction?

Mr. SIMMONS. It is a very marked distinction, I think. I am inclined to believe that there is a difference of \$1 or \$2 a thousand.

Mr. SMOOT. Is it not true that stumpage in Canada is not quite one-half the cost of stumpage in the United States?

Mr. SIMMONS. I think it is true. Stumpage in the South is on an average of about \$3 or \$3.50. But, Mr. President, if there was no difference in the actual cost of stumpage in Canada and the United States, the difference in the method of buying and holding timber in Canada would make a difference of \$1.50 or \$2 a thousand.

Mr. HALE. Fully that.

Mr. SIMMONS. Fully that much, I am confident.

A Canadian manufacturer of lumber buys and cuts his timber just as he needs it. He is not at any loss of interest; he does not have to pay any taxes; he takes none of the risks of storms or of fire. In this country we all very well know that no prudent man will invest the large sums that are necessary to establish these great lumber plants. No prudent business man, I say, would make an investment of that sort without being secure in his supply of timber to meet the demand of supplying his mill for many, many years in the future; and in order to do that it is

necessary for him to invest large sums of money, in addition to the cost of his plant in the purchase of timber, not to be used to-day nor to-morrow, nor this year, nor next year, and probably a part of it not to be used in a quarter of a century. This necessarily entails a loss in interest, there is also a very heavy loss in taxes, and there is a loss in the way of fire and storm risk, and all that sort of thing.

But, as I said a little while ago, I think the chief difference consists largely in the difference in the cost of transportation. We can not get the lumber from my section of the country delivered at any of the points in this zone of competition at less than from \$4 to \$8 a thousand. Yet the Canadian, by reason of his cheap water transportation, can get his lumber to any of the 12 great distributing and consuming cities along the Lakes for an average of not over \$2, making a difference in the cost of transportation in this competition in favor of the Canadian of at least \$2 to \$6.

Mr. President, I am satisfied that in this competition between the Canadian and the southern lumbermen there is a difference in all of these things—labor, stumpage, transportation—of between \$2 and \$6.

Now, what has the American to offset these disadvantages? What has the southern manufacturer of lumber to offset this manifest disadvantage? Nothing, except this \$2 import duty. That does not serve him any very good purpose when lumber is very high, because the Canadian pays it and brings in his lumber, and he does not feel it. But when the price of lumber is low it tends to equalize conditions. It is the only offset, at least, that the southern lumberman has to the natural and artificial advantages which Canada has over him.

Now, what will be the effect if you remove that duty? Remove that duty and the effect will be that the Canadian will take the amount that is thus remitted to him and do one of three things with it. He will either put it in his pocket in the way of dividends or he will use it for the purpose of giving his American customer cheaper lumber, or he will use it for the purpose of extending his markets in this country just as far into the natural market zone of his competitor in the South and on the Pacific coast as that remitted money, \$2, will pay the transportation upon a thousand feet of lumber.

Of course, if the Canadian takes a selfish view of it, he will either put the money in his pocket and pay it out in dividends to his stockholders, if it is a corporation, or he will use it to extend his markets. In either case, the American consumers will not get cheaper lumber. In either case, the poor farmer and the laboring man and the mechanic in the Middle West will get none of the benefits of cheap lumber that have been promised them by those who advocate the removal of the duty upon lumber.

If, however, the Canadian takes the philanthropic view of it and gives the American consumer the advantage of a lower price of lumber, what will be the effect? The effect will be that while our friends in the Middle West will get their lumber a little cheaper their southern customer will have his market restricted. His purchasing power will be restricted, and the best customer that the West has for its supplies of wheat and corn and hay and meat will be paralyzed.

Mr. President, I have detained the Senate much longer than I expected.

Mr. HALE. Mr. President, is it not a fact, precisely in the line of reasoning the Senator is pursuing, that with our industries in lumber manufacturing in the East, in the South, and in the West, we have all that we can do to maintain ourselves against the present inroad of Canadian lumber? The importations into this country to-day under the present duties on lumber from Canada amount to nearly \$21,000,000, affording a revenue to the Government of nearly \$4,000,000 in duties. Here is an attempt to take away, as the Senator has so well said, the only protection that his industries and ours in the East and those on the Pacific coast have of the \$2 duty, leaving us entirely at the mercy of the Canadian lumbermen.

Mr. SIMMONS. As I have said before, Mr. President, and I do not think it necessary to repeat it, what the Senator says would be undoubtedly the result, and is the result, when the price of lumber is as low in this country as it is just at this time. Just at this time, if it were not for the duty of \$2, it would be utterly impossible for the lumber producers of my section of the country to sell lumber in the market that they have heretofore used for their surplus, in the East and along the Lakes.

Mr. President, I do not desire to detain the Senate any longer. I regret very much that my remarks have been broken into in the manner in which they have. I have spoken in behalf of a great industry in my section, the largest industry in my State.



More towns and cities, more communities, more people are dependent upon this industry in that State than upon any other industry.

I have never known those people to be quite as much interested in any public question as they are in the fate of this particular item in the bill. If I should say I have had letters and telegrams by the hundred from the people of my State protesting against putting lumber upon the free list, I would not misstate the fact. I have had no letter to the contrary.

It is said that the farmers are demanding cheaper lumber and expecting to get it. I have had not a single letter, so far as I now recall, from a farmer of my State asking me to vote to have this duty removed or reduced. All I ask for the industry is fair treatment. All I ask is that it shall not be discriminated against.

You say I am asking for protection while professing not to be a protectionist. I say here to the Senate, Mr. President, that I am opposed to a protective tariff. It is a bad thing. I am opposed to free trade. That is a bad thing. But I regard a mixture of free trade and protection as infinitely worse than either. If you are going to frame your bill on protection lines, apply that principle honestly and fairly to all sections, and do not come and tell representatives of a section that advocates a revenue tariff that their industry is not entitled to go in this bill upon the same principle that any other industry is entitled to go into it; that as to their industries you will make the bill a free-trade measure.

If we were framing here a Democratic measure, I should insist that the principle of a tariff for revenue should apply to that bill from the top to the bottom of it. You are framing a bill based professedly upon the principle of protection. Inequality is a vice inherent in the protective system. If you mix that principle with free trade; if you frame one-third of that bill upon the protection principle and one-third upon the principle of free trade and one-third upon a different principle, then you will have a mixture that will bring about greater inequalities than a protective-tariff system, without any of the compensating benefits which a protective system carries.

All I demand, Mr. President, for this industry, is that it shall have fair treatment. I have no right to expect that you will frame your bill upon different principles than those declared in your platform, but I have a right to demand that you do not discriminate against the industries of my section or any section of the country.

Mr. CRAWFORD. Mr. President—

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from South Dakota?

Mr. SIMMONS. I am about through. I hope the Senator will let me finish.

Mr. CRAWFORD. I do not want to interrupt the Senator now, but before he sits down I should like to ask him a question or two if he has no objection. However, if the Senator is nearly through and it will interrupt him, I will wait.

Mr. SIMMONS. As the Senator has interrupted me, I will stop. I will not say anything more. I was about through, anyhow.

Mr. CRAWFORD. I would rather wait until the Senator concludes his remarks, and then ask him a question.

Mr. SIMMONS. It will suit me to have the Senator ask it now; and I will be glad to answer it if I can.

Mr. CRAWFORD. Your chief competitor, I understand, is and will be Canada. The Dominion of Canada will be your chief competitor, and is now, in the lumber business.

Mr. SIMMONS. Canada is our chief foreign competitor. We have some domestic competitors as well as foreign.

Mr. CRAWFORD. I am referring, of course, to foreign competitors. I did not hear any statistics, if the Senator gave them. I was here during all of the Senators' argument, except a few moments when I was out at luncheon. I wish to ascertain whether the Senator makes the claim, and if he does whether he has any figures to sustain it, that the wages paid in Canada and the standard of living in Canada among the men engaged in this business are lower than in North Carolina?

Mr. SIMMONS. I have no statistics. I have read the hearings before the House committee. A good many witnesses who professed to be familiar with the labor conditions there and here testified that there was a difference in behalf of Canada. I confess that there are some who testified that there was not any very great difference except perhaps on the Pacific coast. But that the cost of food and clothes and the wage scale, as well as the general standard of living, is lower in Canada than in the United States I think no one will doubt.

Mr. CRAWFORD. That is, the Senator maintains that in Canada they have a lower wage.

Mr. SIMMONS. That in this country we have not only now but for years have had a different wage scale, a different standard of living, and that that wage scale and that standard of living are higher here than anywhere else under God's sun.

Mr. CRAWFORD. The Senator says that is true?

Mr. SIMMONS. I say that is the Republican contention.

Mr. CRAWFORD. Would the Senator say it as a matter of fact?

Mr. SIMMONS. I say, while I do not subscribe to it stated quite as broadly as that, in the main I believe it is true.

Mr. CRAWFORD. The Senator says it is true as a matter of fact to-day as between, for instance, North Carolina and Canada, your chief competitor?

Mr. SIMMONS. I think labor is cheaper in Canada, from what I have heard, than it is in North Carolina. I want to say to the Senator right there that there are statistics. Of course, I do not claim to be familiar with the cost of labor in Canada.

Mr. CRAWFORD. That is what I wanted to get at.

Mr. SIMMONS. I do not claim to be familiar with the cost of producing lumber in Michigan, Minnesota, or on the Pacific coast, but from reading the evidence I am disposed to think that it costs about as much to produce a thousand feet of lumber in North Carolina as it does either upon the Pacific coast or along the Lakes.

Mr. CRAWFORD. Has the Senator any statistics to show that?

Mr. SIMMONS. I have none immediately at hand. If the Senator will read the hearings before the Committee on Ways and Means in the House, he will get a good deal of light on that subject. It takes a great deal of labor to do it, but if the Senator wants light, I commend to him that he pore over those hearings, as I have done.

Mr. JONES. Will the Senator allow me to make a suggestion?

Mr. SIMMONS. Certainly.

Mr. JONES. I think there will be no trouble about showing the Senator from South Dakota that there is a difference in the cost of production on the Pacific coast anyhow, owing to the different conditions of labor there, not so much the white labor, but on account of the employment of large numbers of oriental laborers on the British side. We shall show that to be the fact when we come to consider this schedule.

#### THE BEET-SUGAR INDUSTRY.

Mr. ALDRICH. Mr. President, I understand that a communication from the Secretary of Agriculture is on the Vice-President's table. I suggest that it be laid before the Senate at this time.

The PRESIDING OFFICER (Mr. McCUMBER in the chair) laid before the Senate a communication from the Secretary of Agriculture, transmitting, in response to a resolution of the Senate of the 8th instant, certain information concerning the beet-sugar industry in the United States.

Mr. SMITH of Michigan. I should like very much, if the Senate is willing, that the communication be read, and then I would ask that it be referred to the Committee on Printing with a recommendation that it be printed.

Mr. KEAN. It will be printed, as a matter of course.

The PRESIDING OFFICER. Does the Senator from Michigan ask for the reading of the communication?

Mr. SMITH of Michigan. Yes.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

THE DEPARTMENT OF AGRICULTURE,  
OFFICE OF THE SECRETARY,  
Washington, D. C., April 26, 1909.

#### To the President of the Senate:

In pursuance of the resolution considered and agreed to in the Senate on the 8th instant, asking for information concerning the beet-sugar industry in the United States, I have the honor to transmit herewith a report containing the data asked for so far as it has been possible to secure the same. Nearly all the information has been compiled from the records and publications of this department, the census figures being used only where this department had no authentic information.

I have the honor to be, sir,

Your obedient servant,

JAMES WILSON,  
Secretary.

The PRESIDING OFFICER. The communication will be printed and referred to the Committee on Finance.

Mr. BURROWS. Let it be printed and lie on the table.

The PRESIDING OFFICER. In the absence of objection, the map will also be printed.

Mr. BURROWS. Let the communication and accompanying papers and map be printed as a document.

Mr. SMITH of Michigan. I should like to inquire how many copies will be printed without any resolution or direction of the Senate?

Mr. KEAN. The usual number.

The PRESIDING OFFICER. In answer to the Senator, the Chair would say that 1,180 copies will be printed.

Mr. SMITH of Michigan. Would it be proper to ask that the communication be referred to the Committee on Printing for the purpose of having the number increased?

Mr. KEAN. It is not necessary now.

Mr. BURROWS. An additional number can be printed at any time.

The PRESIDING OFFICER. The communication, with the accompanying papers and map, will be printed as a document (S. Doc. No. 22) and referred to the Committee on Finance.

#### THE TARIFF.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes.

Mr. ALDRICH. Mr. President, the members of the Committee on Finance have a number of amendments which they are considering to the pending bill, and perhaps it is not desirable to go on further to-night. I desire to give notice that to-morrow, after the routine morning business, I will ask for the consideration of the bill by paragraphs. I now move that the Senate—

Mr. MONEY. I did not hear the Senator. If he will pardon me, I should like to have him repeat his statement or request, whatever it was.

Mr. ALDRICH. I simply stated that it was my purpose to-morrow to ask the Senate to proceed to the consideration of the bill by paragraphs.

Mr. MONEY. As I understand, the unanimous-consent agreement does not preclude any Senator from speaking upon the general principles of this bill whenever he chooses.

Mr. ALDRICH. It does not. I had no intention of establishing any such rule.

Mr. MONEY. I wanted to have it clear, that is all.

Mr. NEWLANDS. I should like to ask the Senator from Rhode Island what progress has been made with reference to the preparation of the table showing the production and the consumption in this country of each of the articles imported?

Mr. ALDRICH. I think it will be in print to-morrow morning.

#### EXECUTIVE SESSION.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were reopened, and (at 3 o'clock and 52 minutes p. m.) the Senate adjourned until to-morrow, Thursday, April 29, 1909, at 12 o'clock meridian.

#### NOMINATIONS.

*Executive nominations received by the Senate April 28, 1909.*

##### UNITED STATES DISTRICT JUDGE.

George W. Woodruff, of Pennsylvania, to be United States district judge for the Territory of Hawaii. An original vacancy created by the act approved March 3, 1909 (public, No. 322).

##### ASSOCIATE JUSTICE OF THE SUPREME COURT OF HAWAII.

Antonio Perry, of Hawaii, to be associate justice of the supreme court of the Territory of Hawaii, vice Sidney M. Ballou, resigned.

##### JUDGE OF THE CIRCUIT COURT OF HAWAII.

William L. Whitney, of Hawaii, to be second judge of the circuit court of the first circuit of the Territory of Hawaii, vice Alexander Lindsay, jr., resigned.

##### PROMOTION IN THE ARMY.

###### CHAPLAIN.

Chaplain John A. Randolph, Sixth Infantry, to be chaplain with the rank of major from April 22, 1909.

###### POSTMASTERS.

###### ALABAMA.

George W. McFall to be postmaster at Sheffield, Ala., in place of Charles Doud, resigned.

###### ARKANSAS.

B. D. Muzzy to be postmaster at Carlisle, Ark. Office became presidential January 1, 1909.

###### CALIFORNIA.

Mason M. Cochran to be postmaster at Dinuba, Cal., in place of Percy B. Fulton, resigned.

###### ILLINOIS.

Edwin A. Mead to be postmaster at Hebron, Ill. Office became presidential January 1, 1909.

William L. Tohill to be postmaster at Flat Rock, Ill. Office became presidential April 1, 1909.

###### MASSACHUSETTS.

Henry K. Bearse to be postmaster at Harwich, Mass., in place of David L. Small, resigned.

###### MICHIGAN.

John V. Wright to be postmaster at Coloma, Mich., in place of Abner B. Stevic. Incumbent's commission expired November 19, 1907.

###### MISSISSIPPI.

John L. McCoy to be postmaster at Richton, Miss. Office became presidential April 1, 1909.

###### MISSOURI.

Frank McNew to be postmaster at Bloomfield, Mo., in place of Carl Weber, resigned.

###### NEVADA.

Alice F. Langwith to be postmaster at Golconda, Nev., in place of Eugene L. Dutertre, resigned.

###### NEW JERSEY.

Edgar I. Vanderveer to be postmaster at Freehold, N. J., in place of James W. Danser, deceased.

###### NEW MEXICO.

Ignacio Lopez to be postmaster at Las Vegas, N. Mex., in place of Miguel A. Senecal, resigned.

###### NEW YORK.

George A. Case to be postmaster at Honeoye Falls, N. Y., in place of Marion O. Martin. Incumbent's commission expired January 30, 1909.

Clarence A. Stone to be postmaster at Elbridge, N. Y. Office became presidential January 1, 1909.

Catherine Wiggins to be postmaster at Cape Vincent, N. Y., in place of Clarence E. Wiggins, deceased.

###### OHIO.

Solomon Rousculp to be postmaster at Thornville, Ohio. Office became presidential April 1, 1909.

Peter Schatzman to be postmaster at Glendale, Ohio, in place of Peter Schatzman. Incumbent's commission expired January 14, 1907.

###### PENNSYLVANIA.

Clara Brown to be postmaster at Linesville, Pa., in place of William E. Brown, deceased.

###### SOUTH DAKOTA.

Frank E. McLaughlin to be postmaster at Geddes, S. Dak., in place of William A. Lyons, resigned.

Sumner E. Wood to be postmaster at White, S. Dak. Office became presidential January 1, 1909.

###### WISCONSIN.

Ernest S. Mottram to be postmaster at Markesan, Wis., in place of Ernest S. Mottram. Incumbent's commission expired December 12, 1908.

#### CONFIRMATIONS.

*Executive nominations confirmed by the Senate April 28, 1909.*

##### UNITED STATES DISTRICT JUDGE.

Robert S. Bean to be United States district judge for the district of Oregon.

##### UNITED STATES MARSHAL.

Daniel A. Sutherland to be United States marshal for the first division of the district of Alaska.

##### PROMOTIONS IN THE NAVY.

Lieut. Commander Joseph W. Oman to be a commander.

The following-named ensigns to be lieutenants (junior grade):

Paul E. Dampman,

Edson C. Oak,

Arthur H. Rice,

Clarence A. Richards, and

David W. Bagley.



The following-named lieutenants (junior grade) to be lieutenants:

Paul E. Dampman,  
Edson C. Oak,  
Arthur H. Rice,  
Clarence A. Richards, and  
David W. Bagley.

#### ENSIGN.

Midshipman Roy Le C. Stover to be an ensign.

#### APPOINTMENTS IN THE NAVY.

The following-named citizens to be assistant surgeons:

John G. Ziegler, a citizen of Pennsylvania;  
Glenmore F. Clark, a citizen of Kentucky;  
William M. Kerr, a citizen of New York;  
George A. Riker, a citizen of New York; and  
Tharos Harlan, a citizen of the District of Columbia.

#### POSTMASTERS.

##### FLORIDA.

Charles S. Williams, at Key West, Fla.

##### OHIO.

James K. Allen, at Greenwich, Ohio.  
William T. Orton, at West Unity, Ohio.

##### TENNESSEE.

Andrew N. Brown, at Woodbury, Tenn.

### SENATE.

THURSDAY, April 29, 1909.

Prayer by Rev. Ulysses G. B. Pierce, of the city of Washington.  
The Journal of yesterday's proceedings was read and approved.

#### STATISTICS RELATING TO SUGAR.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to Senate resolution No. 19, of the 1st instant, certain information relative to the amount of sugar consumed by the people of the United States for the fiscal year 1908, etc. (S. Doc. No. 24), which, with the accompanying paper, was ordered to lie on the table and be printed.

#### TARIFF STATISTICS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of Commerce and Labor, transmitting, in response to Senate resolution No. 36, of the 23d instant, a table of rates of duty in the United States; Germany, and France on pottery, glass bottles, plate glass, iron ore, etc. (S. Doc. No. 23), which was ordered to lie on the table and be printed.

#### PETITIONS AND MEMORIALS.

Mr. SCOTT presented petitions of sundry citizens of Metz, Mannington, Morgantown, and Rosbys Rock, all in the State of West Virginia, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Gillett, Tex., and of St. Louis, Mo., praying for the enactment of legislation providing for the erection of a suitable memorial in Statuary Hall to the memory of James Rumsey, which were referred to the Committee on the Library.

Mr. PILES presented petitions of sundry citizens of Alderton, Tumwater, Everett, and Kennewick, all in the State of Washington, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. OLIVER presented petitions of sundry citizens of Clarks Green, Uniontown, Gastonville, and Meadville, all in the State of Pennsylvania, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

He also presented a memorial of 278 citizens of Pennsylvania, remonstrating against the drawback feature contained in the so-called "Payne tariff" bill, relative to tin plates, which was ordered to lie on the table.

He also presented a petition of sundry employees of the Madeira and Wannery Hosiery Mill, of Fleetwood, Pa., praying for the retention of the proposed duty on hosiery, which was ordered to lie on the table.

He also presented a petition of Pomona Grange, No. 52, Patrons of Husbandry, of Rasselas, Pa., praying for the repeal of the duty on hides, which was ordered to lie on the table.

He also presented a petition of sundry employees of the Union Razor Company, of Tidioute, Pa., praying for the retention of the proposed duty on imported razors, which was ordered to lie on the table.

He also presented a petition of the Schatt & Morgan Cutlery Company, of Titusville, Pa., and a petition of sundry employees of the Schatt & Morgan Cutlery Company, of Titusville, Pa., praying for the retention of the proposed duty on imported knives or erasers, which were ordered to lie on the table.

Mr. GAMBLE presented the petition of W. A. Hopkins and sundry other citizens of Hayes, S. Dak., praying for the repeal of the duty on hides, which was ordered to lie on the table.

Mr. FRYE presented a petition of White Oak Grange, Patrons of Husbandry, of Warren, Me., praying for a reduction of the duty on raw and refined sugars, which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Maine, remonstrating against an increase of the duty on gloves, which was ordered to lie on the table.

Mr. SMITH of Michigan. I present a telegram from the secretary of the American Newspaper Publishers' Association and ask that it may be read for the information of the Senate.

There being no objection, the telegram was read and ordered to lie on the table, as follows:

[Telegram.]

NEW YORK, April 22, 1909.

HON. WILLIAM ALDEN SMITH,  
United States Senate, Washington, D. C.:

The American Newspaper Publishers' Association, at its annual meeting in New York to-day, with the largest attendance in the history of the organization, comprising representatives of 290 daily newspapers, has instructed me as its secretary to telegraph and write to you that the association, by a rising vote, with only three dissenters, earnestly urges the confirmation by the Senate of the action of the House of Representatives in the matter of pulp and paper. I am sending by mail full text of minutes, adopted by association.

E. H. BAKER, Secretary.

Mr. ELKINS presented a memorial of the thirty-eighth legislative assembly of the Territory of New Mexico, which was referred to the Committee on Territories and ordered to be printed in the RECORD, as follows:

TERRITORY OF NEW MEXICO,  
OFFICE OF THE SECRETARY.

#### Certificate of comparison.

I, Nathan Jaffa, secretary of the Territory of New Mexico, do hereby certify that there was filed for record in this office, at 11:55 o'clock p. m., on the 18th day of March, A. D. 1909, council joint memorial No. 7, Mr. President; and, also, that I have compared the following copy of the same with the original thereof now on file, and declare it to be a correct transcript therefrom and of the whole thereof.

Given under my hand and the great seal of the Territory of New Mexico, at the city of Santa Fe, the capital, on this 26th day of March, A. D. 1909.

[SEAL.]

NATHAN JAFFA,  
Secretary of New Mexico.

#### Council joint memorial 7. Mr. President.

Memorializing Congress for an appropriation of money or land scrip for the purpose of relieving the counties of Santa Fe and Grant, in the Territory of New Mexico, from the burden imposed upon them respectively by former congressional statutes confirming and validating certain bonds of each of the said counties issued without lawful authority.

To the honorable Senate and House of Representatives  
of the United States of America in Congress assembled:

Whereas the county of Santa Fe, N. Mex., is overburdened and distressed by the weight of a bonded indebtedness now approximating in amount \$1,000,000, based on illegal railroad-aid bonds, converted into illegal refunding bonds, which although such bonds could not be successfully enforced in the courts after the decision of the Supreme Court of the United States in the Pima County case, below more particularly referred to, were, in avoidance of that decision, confirmed and validated by Congress in and by an act entitled "An act approving certain acts of the legislative assembly of the Territory of New Mexico, authorizing the issue of certain bonds of said Territory, and for other purposes," the same having become a law, without the approval of the President, January 16, 1897 (see Stat. L., vol. 29, pp. 487, 488, and 489; chap. 30):

Whereas the said indebtedness originated in the following manner and under the following circumstances, to wit:

1. The said indebtedness results, to an amount exceeding one-half thereof, from the issue by the county of Santa Fe, in February, 1880, of bonds in the principal sum of \$150,000, bearing interest at the rate of 7 per cent per annum, payable semiannually, in aid of the construction of the New Mexico and Southern Pacific Railroad (now part of the "Santa Fe route"), so far as that railroad extends in the said county, including a branch line of about 20 miles in tortuous length from Lamy Junction to the city of Santa Fe, and the remainder of the said indebtedness results from the issue by the said county, at a later date, of bonds in the principal sum of \$150,000, bearing interest at the rate of 6 per cent per annum, payable semiannually, in aid of the construction of the Texas, Santa Fe and Northern Railroad (now part of the Denver and Rio Grande Railroad system), from the city of Santa Fe to Espanola, the southern termination at that time of the railroad of the late Denver and Rio Grande Railway Company.

2. The total assessed valuation of the property subject to taxation in the county of Santa Fe is about \$2,200,000.

3. All the aforesaid railroad-aid bonds, with one judgment for interest on a part of the said first bond issue, were, before the rendering of the decision in the Pima County case (Oct. 29, 1894, *Lewis v. Pima County*, 155 U. S. 54), refunded under the provisions of a territorial refunding act (chapter 79 of the session laws of 1891, found in the compiled laws of New Mexico of 1897 as sections 340 to 348, both inclusive), which refunding act, it is evident, does not authorize the refunding of bonds void on their face.